

FLETC Journal

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FEDERAL LAW ENFORCEMENT TRAINING CENTERS

★ ARTESIA ★ CHARLESTON ★ CHELTENHAM ★ GLYNCO ★

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Foreword



I am pleased to present this issue of the FLETC Journal, which centers on FLETC's commitment to training excellence through partnerships. The collection of articles in this edition reflects the many ways partnerships enable FLETC to provide high quality training for our Nation's law enforcement officers and agents.

FLETC was founded on the premise that many agencies working together under a consolidated training model best serves both the law enforcement profession and taxpayers. This model offers partner agencies the flexibility to deliver training unique to their missions, while FLETC provides training in areas common to all law enforcement officers, such as firearms, driving, tactics, investigations, and legal issues. Moreover, FLETC provides one set of physical resources necessary for training. The result is that at a FLETC location, one federal agency builds and manages a cafeteria, gymnasium, library, training facilities, classrooms, computer laboratories, dormitories, and recreational facilities, which all federal partners utilize, rather than the Federal Government procuring and maintaining nearly 100 separate sets of facilities for each of the federal law enforcement agencies in the United States.

Beyond the economic rationale for the consolidated training model, agencies also benefit from enhanced interoperability and higher quality training than would be possible if each of our more than 90 partners trained independently. For example, FLETC's curriculum development and review process brings together experts from across the law enforcement community to share and vet ideas about training content and methodology. Like the peer review process in many professions, the healthy exchange of thoughts and concepts breeds thorough analysis of contemporary law enforcement issues and techniques and invokes beneficial change. FLETC training classes often comprise officers and agents from a variety of agencies, improving future interoperability in the performance of daily duties and during times of emergency. The consolidated training model leverages the significant role that training can play in fostering long-term collaborative mindsets and information-sharing capabilities in law enforcement officers from different agencies.

This edition of the FLETC Journal demonstrates how these principles manifest themselves in our daily work and initiatives. You will read about our firearms instructor, use of force, driver training, and digital evidence programs, all products of the consolidated training model. This issue also features our Women in Law Enforcement Leadership Training Program, a program that demonstrates how partnering with the international law enforcement community has benefited females in the profession. Another article describes our new partnership with the Los Angeles Port Police, through which FLETC students are already benefitting from a west coast venue offering a host of exportable training programs. From the perspective of one of our federal partner agencies, Director of the Transportation Security Administration (TSA) Academy Dan Furlong shares his thoughts on the successful establishment of the TSA Training Academy and associated training programs at FLETC.

Through external partnerships, FLETC engages with stakeholders on the most critical contemporary issues in law enforcement. In this edition of the Journal, we've highlighted our two-year partnership with the Department of Justice's Office of Community Oriented Policing Services and the Johns Hopkins University to develop strategies for preventing multiple casualty violence. This Journal edition also features our successful partnership with local colleges and universities to offer FLETC students education credits for the completion of basic training programs.

In his reflections on leadership, FLETC Assistant Director Bradley Smith observes how developing and sustaining collaborative and cooperative partnerships is an important principle for his every day work life. This extends to the whole FLETC enterprise and our partners, as we collectively realize that through joint efforts, organizations with distinct missions can more effectively tackle areas of common interest. I hope this issue of the Journal demonstrates how we try to do this each and every day at FLETC.

Connie L. Patrick

Connie L. Patrick

Director, Federal Law Enforcement Training Centers



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LOS ANGELES REGIONAL MARITIME LAW ENFORCEMENT TRAINING CENTER EXPANDING PARTNERSHIPS AND OPPORTUNITIES WITH FLETC

The Los Angeles Port Police Department partnered with the Federal Law Enforcement Training Centers, the Los Angeles County Sheriff's Department, the Los Angeles Police Department, and the Long Beach Police Department to develop comprehensive maritime training for state and local agencies.

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Law enforcement officers are entrusted with the authority to utilize appropriate force, if reasonable, while enforcing laws on behalf of society.



45 FLETC TRAINS THE TRAINER

For agencies looking for training curriculums for new firearms instructors or refresher training for current ones, FLETC offers two stellar programs among its long list of advanced firearms programs, the Firearms Instructor Training Program and the Firearms Instructor Refresher Training Program.



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Connie L. Patrick

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The content of this publication is written in accordance with the guidelines of the Associated Press (AP) style. Views and opinions expressed in this publication are those of the authors, and do not necessarily reflect the FLETC training policy or doctrine. Articles, photographs, and other contributions are welcomed from the law enforcement training community and academia. Publication depends on general topical interest as judged by the editors.

FLETC



FAST FACTS

FLETC Domestic Training Sites:

- Artesia, New Mexico
- Charleston, South Carolina
- Cheltenham, Maryland
- Glynco, Georgia
- LA Port, California

Export Locations:

State and Local Law Enforcement

- Nationwide

International Law Enforcement Academies:

Academic, Operational and Program Support

- Bangkok, Thailand
- Budapest, Hungary
- Gaborone, Botswana
- San Salvador, El Salvador

International Training and Capacity Building Programs:

- Delivered Worldwide

Consolidation: Consolidation of law enforcement training permits the federal government to emphasize training excellence and cost-effectiveness. Professional instruction and practical application provide students with the skills and knowledge to meet the demanding challenges of a federal law enforcement career. They learn not only the responsibilities of a law enforcement officer, but through interaction with students from many other agencies, also become acquainted with the missions and duties of their colleagues. This interaction provides the foundation for a more cooperative federal law enforcement effort.

Integrated Instructional Staff: The FLETC has assembled the finest professionals to serve on its faculty and staff. Approximately 50 percent of the instructors are permanent FLETC employees. The remaining instructional staff are federal officers and investigators on assignment from their parent organizations or recently retired from the field. The mix provides a balance of instructional experience and fresh insight.



Assistant Director Bradley W. Smith's Reflections on Leadership

This is the second article in a new series that will feature FLETC leaders' perspectives on various leadership principles. In this edition, Assistant Director Bradley W. Smith shares his thoughts on leadership.



Q. At this point in time, which leadership principle stands out to you as particularly important for government leaders?

I believe leaders need to demonstrate the behaviors they want their subordinates to emulate and to provide developmental opportunities for our staff to develop their skills to be successful in their current positions and competitive for higher responsibilities.

Q. What are some tactics you use to practice this principle in your daily work life?

I strive to ensure my words and actions align, develop and sustain collaborative and cooperative partnerships internally and externally, value diversity of opinions and input, treat people with respect and to be inclusive, practice effective communications and listening skills, and focus on results.

Q. How do you ensure your organization and its activities are aligned with your “core values”?

I respond to and support the vision of leadership, communicate my expectations, demonstrate the desired professional behaviors and provide consistent messaging vertically and horizontally throughout the organization. I encourage staff to prepare for future opportunities by investing in being a life-long learner, participating on working groups and committees, actively engaging with innovative communities of interest, taking on challenging and complex projects, and by exercising personal integrity and leadership in everyday situations.



Q. What is one mistake you witness leaders making more frequently than others?

Leaders often do not make it a priority to engage with and inspire their staff. Leaders need to inspire staff by engaging them in the work environment, providing regular and objective feedback, acting on leadership and mentoring opportunities, and by fostering an environment for creativity and success.

Q. Can you name someone who has had a tremendous impact on you as a leader?

The leadership style demonstrated by Ronald Reagan as the “Great Communicator” during his Presidency led the American people to focus on a common vision and a better future. President Reagan had a set of values-based principles that guided his actions and resulted in significant achievements even during challenging circumstances and political opposition.

Q. Do you have a favorite leadership quote?

“It is surprising what you can accomplish when no one is concerned about who gets the credit.”
- Ronald Reagan, January 1989

Q. What are you doing to ensure you continue to grow and develop as a leader?

During my professional career, I have made it my goal to develop and enhance my knowledge, skills and abilities to be prepared to take advantage of and be successful given new opportunities. This development is a commitment to being a life-long learner through training, education and being an avid reader and student of leadership. Further, I believe that it is important to take on new challenges even if it is outside of your comfort zone in order to develop professional relationships, learn new skills and grow as a leader. This includes paying attention to world events, listening to the messaging from leadership, and acting on those priorities.

Q. Why do you think partners are important to the FLETC mission?

FLETC has more than 90 federal partners participating in consolidated law enforcement training, allowing various agencies to leverage resources to the mutual benefit of the entire law enforcement community. The collaboration between law enforcement agents from differing agencies while training side-by-side encourages cooperation, sharing of information and resources, professionalism and integration of efforts from agents once they are in the field. Training together promotes interoperability through a common understanding of tactics, communication and authorities facilitating effective field operations and familiarity when working together in preventing, responding to and recovering from threats to the homeland.



Driving With Your Brain

By Malcolm D. Adams

Although we drive vehicles with our hands on the steering wheel (and not on the phone while texting), one foot (not feet) on the brake or accelerator pedal, and our eyes on the roadway (frequently on the mirrors), the most important part we use to drive is our **brain**.



I know, I know... you are already saying “Most people I see behind the wheel of a vehicle are not using their brain at all and usually their head is in another location also...” And you are probably correct that there is little evidence that the normal driver engages their brain when driving daily. But to quote subject matter expert Mike Robbs, “Law enforcement driving is not normal driving.” How, then, should law enforcement officers be trained to drive?

At FLETC, where Robbs is a branch chief, driving instructors use numerous teaching techniques to accomplish multi-tasking, distracted, information-overload kind of driving. Law enforcement officers are required to make observations for suspects and crimes, be alert for missing persons, watch for traffic infractions, respond to laptop computer messages from dispatch, operate radar equipment, communicate by radio and cell phone, and perform a host of other “to do” tasks. For the past seven years, one of the tools FLETC has used to teach the decision-making techniques required for these officers is driving simulators.

What place do driving simulators have in law enforcement training? Some say we should use them because they are the latest in technology and can save time and money. Others don’t want to do anything differently than what they have done for the past 20-30 years. But, the Department of Defense and the airline industry have proven simulators enhance performance skills tremendously. For example, Captain Chesley “Sully” Sullenberger’s simulator training may have played a part in his life-saving efforts during the 2009 landing of U.S. Airways Flight 1549 in the Hudson River. Could driving simulators save officers’ lives because they practiced making good decisions on a simulator?

Benefits of Simulators

There are definite benefits to using driver simulators in law enforcement training. One example is using these high-tech machines to enhance driving skills by training your brain to avoid collisions when presented with scenarios too dangerous to practice in any other venue. The simulators can show the consequences of



Simulators enhance driving skills by training your brain to avoid collisions when presented to the student in scenarios too dangerous to practice in any venue.



being involved in an accident. Agencies across the U.S. are spending large amounts of money in negligence lawsuits.

FLETC requires students who crash vehicles in the simulator lab to immediately call the dispatcher (instructor) and report the crash and whether medical assistance may be needed. In the After Action Review, students must answer the following questions:

- What other reports are required? (Statement of driver, driver exchange, agency driving report, and others.)
- What is the result of the crash investigation if found liable? Not liable?
- Is the assigned vehicle out of service while being repaired? Is there another vehicle available to drive?

The driving simulators replicate numerous types of vehicles, driving areas, traffic conditions, distractions, unsafe circumstances, and weather. They save lives, fuel, and wear and tear on equipment when compared with traditional driver training. The simulators are even more helpful with unseasoned drivers assisting drivers with standard emergency vehicle operations and learning laws and policies.

Consider the Numbers

According to the Officer Down Memorial Page (www.odmp.org), 41 officers were killed in traffic-related crashes in the line of duty in 2013. Unfortunately, so far in 2014, deaths from auto-related crashes or pursuits are up 33 percent.

The National Highway Traffic Safety Administration published a 28-year study, in January 2011 of law enforcement personnel killed in the line of duty involving automobiles. More than 1,400 officers were killed in automobile related accidents. Forty-two percent of them were not wearing seatbelts. Automobile deaths outnumbered all other types of deaths.

The California Commission on Peace Officer Standards and Training published a 15-year study and found accidents were reduced by 10 percent if range



Driving simulators replicate various vehicles, driving areas, traffic conditions, and weather.

driving is combined with cognitive driving through simulations. The Utah POST Emergency Vehicle Operations Training Program showed a 67 percent reduction in intersection errors among students receiving simulation training. Effective simulation training measurably and substantially reduces the number of real-life law enforcement officer vehicle crashes. The Winnipeg Police Service study showed a 29 percent reduction in on-duty collisions over 12 months when simulation was used in Emergency Vehicle Operations training.

At FLETC, students enrolled in the three basic law enforcement programs - Criminal Investigator Training Program, the Land Management Police Training Program, and the Uniform Police Training Program - recognize the value of driver simulator training. An evaluation of more than 1,000 federal, state, and local students showed that 96 percent rated the program as either: excellent, very good, or good. This is another validation for simulators that the military and airline industry have been using for decades.

Instructing With Simulators

Instruction for simulators is fundamentally the same as other law enforcement training. There must be clear and detailed terminal performance objectives (overall goal) and enabling performance objectives (how to get to the goal). The primary difference in simulator instruction is the incorporation of the simulator



technology into the lesson plans and a review process (written test, after-action review, practical exercise, etc.) to determine whether students met the objectives.

FLETC develops simulation scenarios to fit the criteria for specific training programs. For example, criminal investigators use a scenario with unmarked vehicles, while land management officers use a scenario driving high center of gravity vehicles in a rural setting.

To be as effective as possible in this type of training, FLETC selects instructors with particular attributes. This includes “buy-in” to simulator technology, computer awareness, ability to use technology in teaching points, experience in driving instruction, and the ability to observe and evaluate students who may be uncomfortable because of Simulator Adaptation Syndrome (SAS).

Occasionally, the technology of simulation training creates physical discomfort in the form of SAS which, although feels much like motion sickness, is actually an attempt by the brain to understand what the eyes are seeing, but the body does not feel (inertia of braking, cornering, acceleration, and pulling of the seat belt when stopping).

FLETC has been successful in reducing SAS in many students using simulators. Training starts with learning to drive in a straight line at slow speeds. Then the complexity of the scenarios increases, which acclimates the student to the equipment. Other techniques to combat SAS are:

- Wearing optometrist grade sunglasses to prevent motion of peripheral vision;
- Keeping the laboratory cool;
- Driving short scenarios with limited movements and turns;
- Conducting After Action Reviews after each scenario, which allows instructors to evaluate the physical condition of each student;
- Providing frequent breaks for hydration and fresh air;

- Requiring radio calls and other interactions to eliminate the focus on SAS.
- In the end, the main goal of simulator training is to teach the student to make good decisions while driving, and allows them to train their brain through repetition. The more we practice, the more we respond effectively under the stress of law enforcement driving.

Malcolm Adams has 14 years experience at FLETC in developing, revising, and delivering federal law enforcement training. He currently serves as the Division Chief for the Inspection and Compliance Division where



he manages the assessing and evaluating of internal compliance for FLETC work units. These inspection areas include directives, accreditation, training accident investigations, special inventories, and inspections. He also served in the Driver and Marine Division, Behavioral Science Division, and the State, Local, and Tribal Division. Adams has more than 40 years of law enforcement experience in operations and training. During his 27 years with the Jacksonville (Fla.) Sheriff’s Office, he held positions in patrol, investigations, supervision, public affairs, community policing, stress management, and crisis/hostage negotiations before his retirement. Adams earned a bachelor of science degree from Florida State University and is a certified instructor for Florida and the federal government. He enjoys offshore fishing, boating, spending time with his family (especially grandchildren), and his church.



A Use of Force Instructor Training Program student responds to an assault with a hammer during use of force articulation drills.

USE OF FORCE

By Brad Lawrence

The law enforcement profession is different in many ways from other career fields. One key distinction is that law enforcement officers (LEOs) are entrusted with the authority to utilize appropriate force on people, if reasonable, while enforcing laws on behalf of society. Along with this authority comes great responsibility, so it is vital that LEOs are thoroughly trained in both the technical application of and, perhaps more importantly, the decision-making process underlying the decision to use force against a suspect. FLETC has recognized and accepted that training challenge by developing, delivering, and maintaining a comprehensive, multifaceted, constitutionally-based use of force training program.

FLETC trains basic law enforcement students from most of its 90+ partner agencies along with advanced students from federal, state, local, tribal, and international agencies. FLETC use of force training is based on the Fourth Amendment and the U.S. Supreme Court cases of *Graham v. Connor*¹ and *Scott v. Harris*², and is a highly integrated, joint effort between instructors from the Enforcement Operations Division and those from the Legal Division. As we will see shortly, however, FLETC's robust use of force program is made possible via strong support from other divisions, FLETC field sites, and partner organizations.

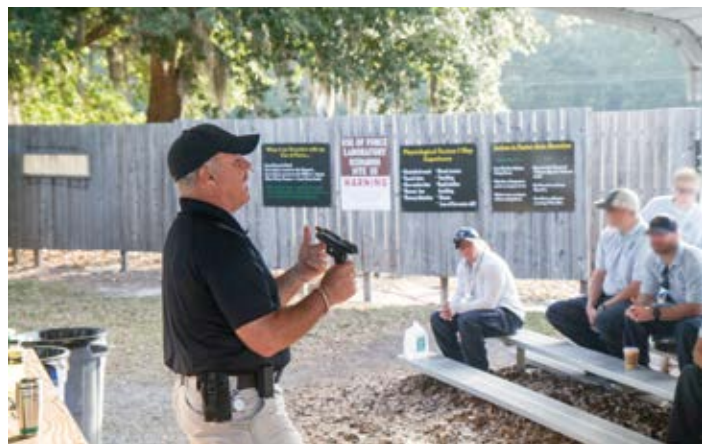
¹*Graham v. Connor*, 490 U.S. 386, 109 S. Ct. 1865 (1989).

²*Scott v. Harris*, 127 S. Ct. 1769 (2007).



Students in FLETC’s basic training programs receive a two-hour block on the legal aspects of use of force from an attorney/advisor who is a FLETC legal instructor. This session comes on the second day of training and students learn that a LEO’s use of force will be judged by the objectively reasonable standard required by the Supreme Court in *Graham and Scott*. The students are also taught that the objective reasonableness of their actions will be judged based on the totality of the circumstances known to them at the time force was used, and without the benefit of 20/20 hindsight. Therefore, students are taught the critical importance of articulating the factual basis underlying a use of force encounter rather than relying on subjective opinions or conclusions. For example, an officer’s report stating, “After I told him he was under arrest, the suspect told me that he would fight me rather than go back to jail, then widened his stance, put his right foot back at a 45 degree angle, bent his knees slightly to lower his center of gravity, and raised both clenched fists up near his face in a boxing stance” paints a much clearer, more factual picture than, “I told the suspect he was under arrest and he assumed an assaultive posture.”

FLETC limits the use of force instruction to the applicable legal standards instead of agency policy



Enforcement Operations Division Instructor Ken Tassie explains the operation of an Airsoft training weapon to Use of Force Instructor Training Program students.



Students interact with a role player holding a crowbar during a use of force scenario.

because FLETC teaches more than 90 partner organizations plus many state and local agencies. It is not feasible to teach (or even to know) these disparate policies, so it remains up to each agency to instruct their students on its specific policy. FLETC teaches an agency might have a policy that is more restrictive than the constitutional standard, and violating the policy could subject officers to administrative sanctions or discipline. Still, students will be better prepared to comply with their agencies’ policies when they understand the constitutional authority justifying force. FLETC teaches students that courts will apply the Fourth Amendment standards regardless of their agency policy, while their agencies may administratively sanction them for policy violations.

Immediately following the legal instruction, basic students receive an additional four hour lecture from an enforcement operations instructor. Instructors reinforce the legal training students just received, explaining there is a range of reasonable force options available in a given situation—there is very rarely only one right answer. Students are given



“The program has improved through partner agencies’ feedback and participation in the curriculum review process, which helps ensure its continued place at the forefront of the use of force training field.”



“... the interdivisional cooperation and partner agency participation provide benefits.”

examples of force that could have been unreasonable either because the officer was more aggressive or hesitated more than necessary. Students are also taught the human performance factors that explain why an officer may react to a stressful situation in ways that may not be expected, like memory loss and sensory distortion. They are also presented with the results from scientific studies on action vs. reaction times, which highlights the importance of being proactive rather than reactive.

Throughout the training program each student will be required to perform in numerous realistic scenarios with role players using non-lethal training ammunition. Both legal and enforcement operations trainers participate to reinforce a consistent training message. Utilizing a building block approach, this starts with tightly scripted fragmentation drills, familiarizing students with the mechanics and mindset of actually employing force against another person. Students progress to more loosely scripted drills requiring the use of judgment to select an appropriate force option against the threat facing them. Finally, students are placed in several scenarios with role players, and are required to factually articulate the use of the force option they chose, both verbally and in writing.

Although the Enforcement Operations and Legal Divisions are primarily responsible for delivering the



A Use of Force Instructor Training Program student responds to an assault with a knife during use of force articulation drills.

use of force program, much of its success is due to the collaboration of other FLETC divisions whose instructors continually reinforce the principles taught by the instructors of both divisions. For example, during Physical Techniques Division drills, students may be required to articulate the factual basis for choosing a particular force option. Firearms Division and Counterterrorism Division instructors will have students explain why they decided to use a firearm during a scenario, and students participating in the Behavioral Science Division’s Conflict Management labs will gain valuable practice by describing to their instructor the objective basis for taking the actions they took in a scenario. This continual reinforcement of use of force concepts, from the first week of training through the last, helps to ensure that students receive consistent training during their time at FLETC regardless of the training division presenting the course material.

Not only do several divisions support and reinforce the use of force concepts students learn during the first days of their training, but the FLETC partner agencies provide valuable input into the program. During both basic and advanced program Curriculum Review Conferences, partner agencies periodically reassess their training needs and ensure that the FLETC use of force program continues to deliver training that meets those needs. The program has improved through partner agencies’ feedback and participation in the curriculum review process, which helps ensure its continued place at the forefront of the use of force training field.



A Use of Force Instructor Training Program student goes “hands on” during use of force articulation drills.



“... blending of instructors from across FLETC divisions and partner agencies helps to further ensure that training is consistent and serves as a valuable refresher for the instructors.”



EOD Senior Instructor Bryan Feeney briefs Use of Force Instructor Training Program students on how to conduct use of force drills.

Instructor training is important too, and FLETC developed and conducts a Use of Force Instructor Training Program for FLETC instructors; partner organization instructors; and state, local, tribal, and territorial instructors. The intensive two-week program addresses law, tactics, human performance factors, scenario-based training development and student evaluation methodology, among other topics. Earning an instructor certificate in the instructor program requires the successful completion of a written exam, oral board, and 50-minute presentation on a use of force topic. The instructor program incorporates the very latest in the rapidly expanding human performance field, and the curriculum is continually updated as new research is conducted and evaluated. Here too the interdivisional cooperation and partner agency participation provide benefits. Prior graduates of the instructor program from multiple FLETC divisions participate in evaluating the oral board portion of the program, and are often assigned to help run various labs and exercises during the program. This blending of instructors from across FLETC divisions and partner agencies helps to further ensure that training is consistent and serves as a valuable refresher for the instructors.

Case law, law enforcement technology, and insight into how human beings perform under stress are constantly evolving and advancing. Thanks to the dedication and passion of FLETC and partner agency instructors toward the mission of keeping officers and agents safe, FLETC’s use of force program will continue to keep pace with new developments to best serve current and future generations of LEOs.



Brad Lawrence began working for FLETC in 2005, and is a branch chief in the Enforcement Operations

Division’s Practical Applications Branch, which is responsible for the practical evaluations for FLETC basic training programs and use of force training for basic and advanced programs. Lawrence also worked for the FLETC Physical Techniques and Legal divisions. While in the Legal Division, he served as the topical area expert on use of force. Lawrence’s career began in 1988 as a police officer in Oklahoma, then as an inspector with the legacy Immigration and Naturalization Service. In 1992, he joined the U.S. Park Police as a patrol officer in the San Francisco field office, where he served on the Special Event Team and was a field training instructor. While he was with the Park Police, Lawrence earned a law degree from the University of San Francisco School of Law. He was admitted to the California bar and spent five years on active duty as a Judge Advocate with the U.S. Air Force. Lawrence remains in the Air Force Reserve, and is currently the Staff Judge Advocate for the 927th Air Refueling Wing at MacDill Air Force Base in Florida.

National Summits on Preventing Multiple Casualty Violence: A Call to Action

By Jennifer Tocco



Angel Memorial for the 26 victims of the Sandy Hook Elementary School shooting in Newtown, Connecticut. (Photo: © 2012, by Gina Jacobs)

This article provides an overview of the series of National Summits on Preventing Multiple Casualty Violence, a joint initiative of the Department of Homeland Security's Federal Law Enforcement Training Centers, the Department of Justice's Office of Community Oriented Policing Services, and the Johns Hopkins University's School of Education. This multi-year effort aimed to advance the Nation's ability to prevent horrific acts of multiple casualty violence that have alarmed the public and shattered the peace of American communities. Reports on the National Summits can be found at <https://www.fletc.gov/publications/summits-on-preventing-multiple-causality-violence/>.

On July 20, 2012, the commonplace act of going to the movies ended in horror for dozens of people in Aurora, Colo. As had happened when two teenagers killed 13 students and teachers at Columbine High School in Littleton, Colo., in 1999, and again when a college student opened fire killing 33 people at Virginia Tech in 2007, violence shocked the American public, who collectively asked how such senseless acts could occur in typically peaceful communities. In the midst of the Nation's mourning in the summer of 2012, the Department of Homeland Security's Federal Law Enforcement Training Centers (FLETC) began partnering with the Department of Justice's Office of Community

Oriented Policing Services (COPS Office) and the Johns Hopkins University's (JHU) School of Education to explore strategies for addressing this issue of increasing public alarm.

FLETC, the COPS Office, and JHU understood that much had been done, especially since Columbine, to address the law enforcement tactical response to active threat situations. However, they realized that experts had only scratched the surface regarding what communities can do to help prevent such tragedies from ever reaching the point of violence. They also immediately acknowledged that a "silo" approach to prevention could never work, but rather, that a cross-section of stakeholders from a wide variety of disciplines have expertise and roles relevant to helping prevent these horrific events.

The partners' initial efforts resulted in the National Summit on Multiple Casualty Shootings, which occurred at FLETC's headquarters in Glynco, Ga., Dec. 11–13, 2012. Experts from numerous disciplines including law enforcement, health care, law, social sciences, education, and academia came together to discuss, debate, and build consensus on potential strategies for preventing multiple casualty violence. Participants included local leaders whose communities endured tragic incidents, academics who have done significant work relevant to this topic, attorneys

with expertise in health- and education-related and privacy laws, and mental health, educational, and law enforcement practitioners who could potentially interact with troubled individuals in the course of their everyday jobs. Summit participants developed eight recommendations, all



Virginia Polytechnic Institute and State University held a candlelight vigil on the Drillfield on April 16, 2010, as a Day of Remembrance to commemorate the tragedy that occurred there just three years earlier when a gunman killed 32 students and faculty and injured 23 others.



of which focused on the need to develop a strategic approach to information-sharing in the prevention of multiple casualty violence:

- Maintain a multidisciplinary focus on preventing escalation toward a violent act.
- Identify and promote the use of interdisciplinary models designed to prevent multiple casualty incidents through threat assessment and intervention.
- Develop a public service campaign with a focus on the identification and notification of potential threats to begin a cultural shift toward the acceptability of reporting.
- Better educate health care practitioners; school administrators, faculty, and staff; and law enforcement professionals about the Health Insurance Portability and Accountability Act (HIPAA), the Family Educational Rights and Privacy Act (FERPA), and the Privacy Act to alleviate misperceptions or perceived barriers to sharing information across disciplines.
- Draft a model statute establishing affirmative requirements for pertinent professions to report bona fide indicators of potentially violent behavior.
- Use technology to create a mechanism for anonymously reporting indicators of potentially violent behavior and sending alerts about incidents.
- Enhance existing resources to develop a national, searchable database of information/intelligence pertaining to individual behavior that is indicative of escalation toward a violent act, and facilitate the sharing of such information across jurisdictional boundaries.
- Draft a model statute providing limited liability for citizens who report indicators of potentially violent behavior.



Summit participants separated into breakout groups to develop a strategic approach for information-sharing in the prevention of multiple casualty violence.

Significantly, these recommendations served as a springboard for future efforts. However, it is critical to note that participants in later summits challenged, refuted, and refined some of these recommendations. Moreover, although FLETC, the COPS Office, and JHU used terminology related specifically to shootings while planning the first summit, the dialogue that occurred over the three-day event was not specific to any particular weapon. Therefore, summit planners modified language associated with subsequent efforts to be nonspecific on weapon of choice.

This solidified the partners' commitment to focusing on the events leading up to acts of violence, rather than the act itself and the response to it. Sadly, the first summit concluded only one day prior to the shocking attack at Sandy Hook Elementary School in Newtown, Conn., – a tragic reminder of the urgency to continue efforts to protect communities from such violence.

The first summit laid the groundwork for further work on refining prevention strategies, and led FLETC, the COPS Office, and JHU to specifically focus on the need to improve information sharing among the various

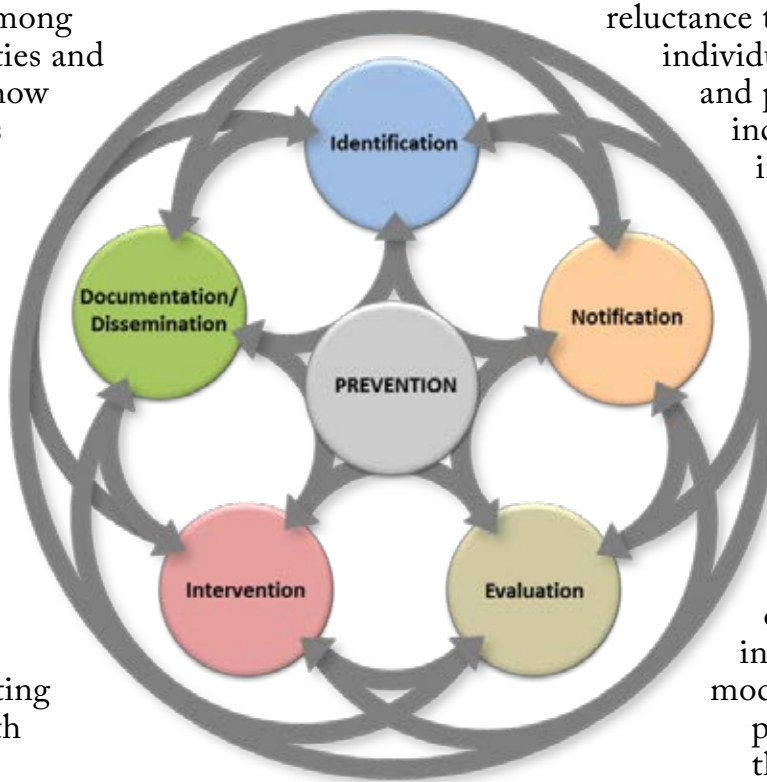
professional communities positioned to help prevent multiple casualty violence. The second summit, titled the National Summit on Preventing Multiple Casualty Violence: Strategic Approaches to Information Sharing, occurred at FLETC's headquarters April 9 – 11, 2013. This summit again brought together stakeholders from multiple disciplines, this time organized across three domains related to information-sharing.

One breakout group focused on spreading awareness among professional communities and the general public on how to recognize indicators of potential violence and how to share information across disciplines. A second group addressed the various legal issues related to sharing information about people exhibiting potentially troubling behavior. These discussions centered on alleviating misperceptions about limits imposed by existing laws, such as the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA), developing model statutes designed to protect those who report, and facilitating reporting by those in pertinent professions. A third group explored the identification of effective interdisciplinary models intended to prevent multiple casualty incidents through threat assessment and intervention.

The second summit's focus on improving information-sharing across disciplinary boundaries led participants to center their discussions on community-based approaches to prevention. To be specific, the summit highlighted the opportunities to be found in expanding the use of community-based intervention models that rely on cross-disciplinary information-sharing.

Summit participants highlighted barriers to information-sharing, including reluctance to report on the part of individuals in both personal and professional capacities, inconsistencies inherent in a decentralized law enforcement framework, cross-disciplinary communication issues, and perceived legal roadblocks. A key to overcoming these challenges is effective development and implementation of community-level information sharing models. Moreover, summit participants observed that well before a person reaches the point of committing an act of multiple casualty violence, numerous institutions have interacted

with that individual throughout his or her life, such as teachers, social workers, and colleagues. Determining a mechanism through which various community institutions can communicate and collaborate across disciplinary boundaries is critical to avoid missing opportunities for information sharing.



When FLETC, the COPS Office, and JHU began planning the summit series in 2012, they developed a five-part prevention model that conveys the essential components of multiple casualty violence prevention.

Following the second summit, FLETC, the COPS Office, and JHU recognized that community oriented policing provides a useful framework for analyzing how to turn the themes and concepts that emerged over the three-days into action steps to advance prevention. According to the COPS Office, community oriented policing is “a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.” At the second summit, participants discussed strategies associated with community oriented policing that could be incorporated into prevention efforts. Training law enforcement officers on community-based approaches and reenergizing a philosophical commitment to the principles of community oriented policing emerged as opportunities for institutionalizing community-based approaches to preventing multiple casualty violence.

The first summit revealed gaps in information-sharing among the various disciplines positioned to help prevent multiple casualty violence. The second summit demonstrated the significance of sharing information specifically across community-level stakeholders. Together, the first two summits pointed to the need for a practical framework for individual communities to develop, implement, and sustain prevention strategies. As the summit planners evaluated next steps, they observed a need to translate the themes, concepts, and recommendations from the first two summits into a practical tool a community could use to operationalize and institutionalize prevention strategies. Thus, FLETC, the COPS Office, and JHU planned a third and final summit with a goal to develop an outline of a multiple casualty violence prevention toolkit adaptable to individual communities.



Deputy Director Ken Keene welcomes participants to FLETC's second National Summit on Preventing Multiple Casualty Violence.

The final summit occurred Feb. 4-6, 2014, once again at FLETC's headquarters in Glynco, Ga. Throughout the three-day summit, participants identified, defined, and refined the major elements of a multiple casualty prevention toolkit. They described tools associated with community self-assessments, information-sharing models, a media campaign/national branding, training, resources, and guidelines documents. While summit participants largely agreed that most communities would have use for tools associated with these broad elements, they strongly believed that the actual content of the toolkit should be customizable and scalable to individual community needs and characteristics.

The third summit also featured discussion about the need for leadership and advocacy for developing, implementing, and sustaining the toolkit. Summit participants observed that while monetary resources and overall advocacy might come from national level organizations, and possibly public / private partnerships, “boots on the ground” leadership at the local level will be necessary for effective operationalization and institutionalization of prevention strategies. The next critical step is for a federal entity interested in this issue to develop a solicitation for development of the toolkit, which would

“The partnership FLETC, the COPS Office, and JHU forged demonstrates how organizations with distinct missions can more effectively tackle areas of common interest when they work collectively.”

encompass developing, implementing, and sustaining prevention strategies over the long term.

The partnership FLETC, the COPS Office, and JHU forged demonstrates how organizations with distinct missions can more effectively tackle areas of common interest when they work collectively. In addition, the summits themselves demonstrate the power to be found when organizations with different objectives cross traditional boundaries to engage in meaningful discussions about important issues in which all have a stake. Despite challenges that can arise when professional communities with different policies, procedures, jargon, and primary missions come together to interact about a mutual concern, the summit series’ approach of facilitating cross-disciplinary dialogue demonstrated that opening lines of communication is a significant step in finding commonalities and progressing toward shared goals.

The series of national summits on preventing multiple casualty violence concluded with participants’ passionate commitment to returning to their home communities with fresh ideas to immediately begin improving information-sharing and cross-disciplinary communication. The overarching theme of all three summits was the necessity of engagement and leadership at the local level with support from federal stakeholders. A summit participant who is an official from a large city expressed his intention to return home and take action, stating to a suburban police chief who experienced one of our Nation’s most horrific incidents of multiple casualty violence, “Hopefully, I’ll be able to do something for my city to channel the

right people to avoid the terrible tragedy that I can see in your eyes that you went through.”

Participants recognized that tragedies may still happen. However, as the third summit concluded, the general sentiment was that simply doing something will “create good” in communities, even with unintended benefits. As the police chief who experienced such tremendous loss stated, **“We only have to prevent one.”**



Jennifer Tocco began her civil service career in 2008, and currently serves as a management and program analyst in the Director’s Office. She previously held positions in the Office of State and Local Training and the Rural Policing

Institute. Prior to moving to Georgia, Ms. Tocco worked in the nonprofit and academic sectors.

While completing her graduate studies, Tocco served as a research fellow at the Rutgers Graduate School of Education’s Center for Educational Policy Analysis. She holds a Bachelor of Arts with a double major in political science and history from Drew University, a Master of Education degree with a focus on educational policy and qualitative research methods from Rutgers University, and a Master of Public Administration degree from Valdosta State University. She also completed all doctoral coursework in educational policy while at Rutgers.



*LA Port Police SAFE Boat.
(Photo courtesy of the Port of Los Angeles.)*



Los Angeles Regional Maritime Law Enforcement Training Center Expanding Partnerships and Opportunities with FLETC

By Terry Benjestorf



Partnership History

The safety and security of America's ports and waterways have always been important, but they've become an even greater concern due to the ongoing threat of terrorism. In addition to putting lives and property at risk, the successful terrorist could impact our Nation's economy by disrupting a major port or waterway.

Law enforcement agencies have been working diligently to improve their effectiveness at combatting terrorism. When grant funding was available, they added, upgraded and/or replaced their facilities, vessels, and equipment. However, many agencies continue to suffer budget cutbacks, and since grant funding rarely covers personnel costs, most remain focused on minimizing staff reductions. Training budgets were not immune and continue to be severely impacted as well. Furthermore, there was limited availability of maritime training for local law enforcement.

In 2009, the Los Angeles Port Police Department partnered with the Federal Law Enforcement Training Centers (FLETC), the Los Angeles County Sheriff's Department, the Los Angeles Police Department, and the Long Beach Police



The Los Angeles Regional Maritime Law Enforcement Training Center Front Entrance.

Department to develop comprehensive maritime training for state and local agencies. The first result of this collaboration was the Basic Maritime Officer's Course, a challenging two-week program certified by the California Commission on Peace Officer Standards and Training. The Los Angeles Regional Maritime Law Enforcement Training Center (MLETC) offered its first Basic Maritime Officer's Course in April 2011, and has run nearly 30 more since then, all receiving rave reviews from students.

On February 26, 2014, FLETC Director Connie Patrick signed a Memorandum of Understanding (MOU) between FLETC and MLETC. The purpose of the MOU is to establish a cooperative relationship between FLETC and MLETC "to develop training standards and strategies for the protection of America's waterways and ports, provide access to a law enforcement marine training facility, and provide law enforcement training opportunities for federal, state, local, tribal, and other law enforcement agencies." Pursuant to the MOU, FLETC also assigned a Senior Instructor/Regional Training Coordinator to the MLETC.

With an MOU and a Regional Coordinator in place, the synergy between FLETC and MLETC and the Los Angeles Regional Maritime Law Enforcement Training Center is even stronger.



An aerial view of the Port of Los Angeles, California. (Photo courtesy of the Port of Los Angeles.)



“As a direct result of the successful partnership between FLETC and MLETC students now enjoy a west coast venue for a host of exportable courses, including the Law Enforcement First Responder and Active Shooter Threat training programs.”

FLETC’s State, Local, and Tribal Division is better positioned to provide a wide variety of fast, flexible, and focused training to the law enforcement professionals who protect our homeland.

As a direct result of the successful partnership between FLETC and MLETC students now enjoy a west coast venue for a host of exportable courses, including the Law Enforcement First Responder and Active Shooter Threat training programs.

Setting

The beautifully renovated MLETC is located within the Port of Los Angeles, also known as “America’s Port.” The Los Angeles/Long Beach port complex processes thousands of ships every year, containing hundreds of billions of dollars in merchandise and representing more than 46% of the goods shipped to America.

In addition to the commercial vessel traffic, the ports are home to several recreational marinas, waterside restaurants and shopping, and the U.S.



The dock area of the Los Angeles Regional Maritime Law Enforcement Training Center. (Photo courtesy of the Port of Los Angeles.)



A Maritime Law Enforcement Training Center classroom.

Coast Guard Sector Los Angeles-Long Beach. The beautiful Santa Catalina Island, located approximately 26 miles southwest of the port, is a popular tourist spot and the only one of the eight Channel Islands to be inhabited. Needless to say, the environment offers an endless array of training opportunities for maritime students.

The construction of the training center, as well as the purchase of the training vessels and equipment, was made possible through Department of Homeland Security Port Security Grants. The design of the facility and selection of the training platforms were also a collaborative effort.

The Maritime Center staff called upon their considerable maritime experience, as well as their visits to the FLETC Glynco and Charleston sites, and their close relationship with Glynco’s Marine Training Branch staff, to assist them with classroom layout and equipment selection.

The primary training vessel is a 28-foot center console manufactured by the same company selected to replace the U.S. Coast Guard’s Response Boat Small fleet.



Students are learning how to protect a high value asset during a recent Boat Operator Anti-Terrorism Training Program.

They feature aluminum hulls, solid foam collars, fully integrated navigation systems, shock mitigating seats, and are powered by twin Honda 225-horsepower outboards. In addition, the training center has two 28-foot Rigid Inflatable Boats for use as adversary platforms.

Training Programs

The Basic Maritime Officer's Course has generated a great deal of interest among local, state, and federal agencies, and the enthusiasm has not been limited to law enforcement. The Maritime Center staff worked with local fire departments to deliver 40-hour boat operator courses for their fireboat crews. They've also worked with the U.S. Army's Civil Support Group to assist them with their maritime mission readiness effort.

The Basic Maritime Officer's Course is based on FLETC's four-week Marine Law Enforcement Training Program and effectively bridges the gap between that program and the week-long Inland Boat Operator Training Program. Consequently, FLETC is evaluating the Basic Maritime Officer's Course for inclusion into its course catalog.

In addition to the locally developed courses, FLETC is now offering the Boat Operator Anti-

Terrorism Training and Electronic Navigation Training Program at the MLETC. The courses are being taught by local law enforcement instructors who've been fully trained and certified by FLETC.

Staff

The MLETC has been fortunate to attract, select, and retain some of the finest instructors from the Los Angeles Port Police, Los Angeles Police Department, Long Beach Police Department, San Diego Harbor Police, and the Los Angeles County Sheriff's Department. These well respected maritime law enforcement professionals not only possess the requisite knowledge, skills, and abilities, but they have a true passion for sharing it with their students.

For more information about training at the LA Port contact Terry Benjestorf at: 300 E. Water Street, Wilmington, Calif., 90720, or call 310-221-4749 (office) 912-506-1243 (cell) or email [terry.benjestorf@fletc.dhs.gov](mailto:benjestorf@fletc.dhs.gov).



Terry Benjestorf currently serves as a regional training coordinator for the State, Local and Tribal Training Division. Prior to joining FLETC, Benjestorf spent 27 years working a number of challenging assignments with the Los Angeles County (Calif.) Sheriff's Department. He spent his last four years as the program director for the Los Angeles Regional Maritime Law Enforcement Training Center.



FLETC GLYNCO EMPLOYEES VOLUNTEER FOR LOCAL SEARCH AND RECOVERY EFFORTS

By Alicia Gregory

A great deal of time and effort goes into ensuring public safety, and in today's economy, volunteers are a key asset in providing these vital services. Staff at Federal Law Enforcement Training Centers (FLETC) Glynco site are contributing their time and expertise volunteering in support of the local search and recovery squad. The partnership between law enforcement agencies, the community, and volunteers influences the success of recovery operations.

“Volunteers are called out an average of four to five times a year,” explained Buddy Webb, equipment specialist at the FLETC. “We are lucky that the folks here are given support from the leadership to take on these requests for help. In most cases our job is recovering evidence from a crime or finding bodies in a drowning.”

Webb is one of five FLETC staff members who volunteers on the Glynn County Search and Recovery (SAR) team. Webb and automotive mechanic Howard Henderson are divers. Randy Cochran, supply technician; Shornden McCloud, instructor; and Dianne Ranne, visual information specialist, are team members. The Assistant Chief of the team is Jerry Youngblood, fleet management specialist. There are 27 members, 6-7 of whom are core team members, who perform weather-related, and crime-scene search and recovery operations. They are a group of non-paid volunteers who come together in a time of need for the local community.

The team started out as the Brunswick – Glynn Rescue Squad in 1957. The name was changed to Search



The team spends a great deal of time training on the water.



The Search and Recovery Team investigates a boating accident.

and Recovery team in 1993. Since its inception, the Glynn Brunswick Civil Defense and Glynco County Emergency Management had oversight until 1999, when the Glynn County Police Department took the group under its wing. It falls under the leadership of Jay Wiggins, a captain at the Glynn County Police Department and the Director of the Glynn County Emergency Management Agency.

“We work directly for him on a volunteer basis,” explained Youngblood. “When he needs our assistance, he will contact the Chief of the SAR and me via phone. Once I gather the information, I will text the other volunteers or have the 911 center put out a request. I let them know the time and place to meet, and give a briefing of what we are doing once we all gather. I always keep in contact with their every move.”

Youngblood said that his main duties are to oversee the operations and to ensure that all squad members are working in a safe environment and have the tools and equipment they need to perform their mission. The group is minimally funded at \$300 a year, so money for much of the fuel, gear (such as flashlights, gloves, and boating equipment) and repairs to equipment comes out of the volunteers' own pockets.

Search and recovery is different from search and rescue efforts, where there is hope for a successful outcome to a tragedy. When search and recovery volunteers arrive, it is because efforts for a rescue have been abandoned. These types of incidents are difficult for obvious reasons.

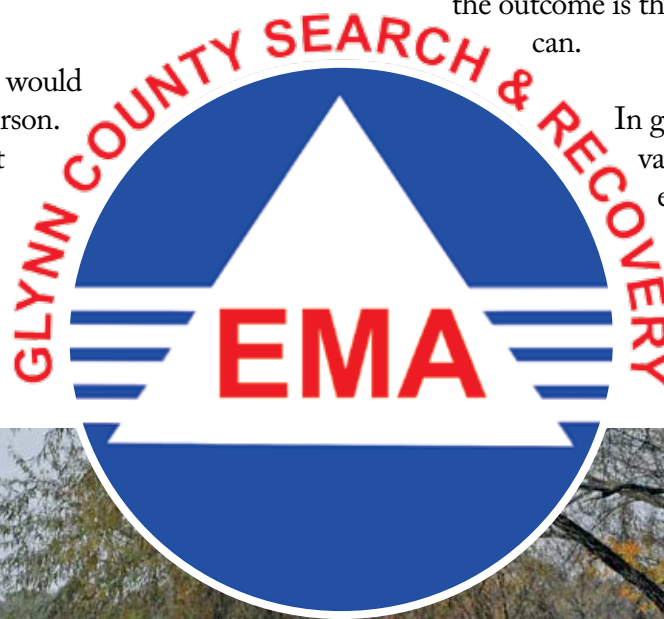
“One of the major reasons both Webb and Henderson volunteer is the chance to give back to the community. Each man also has a different personal motivation, but the outcome is the same – to help in any way they can.”

However, there are still many volunteers who are willing to spend their time helping. Even though the recoveries are difficult, they do provide some measure of comfort for mourning families.

“If it was my family member, I would want that closure,” said Henderson. “It is hard to have that without finding the body.” Henderson said he has participated in the heartbreaking task of looking for children. “This job pretty much sticks with you.”

One of the major reasons both Webb and Henderson volunteer is the chance to give back to the community. Each man also has a different personal motivation, but the outcome is the same – to help in any way they can.

In general, volunteers come from a variety of backgrounds. Most are employed and are simply looking for an opportunity to not only help others by sharing their unique abilities, but also learn new skills.



Often these volunteers recover the remains of drowning victims.



Team members prepare for former President George W. Bush's visit to the Golden Isles.

Volunteers are frequently required to search not only for drowning victims, but also for missing objects underwater. Underwater searching by divers is time consuming and can be very dangerous depending upon water depth, visibility, currents, and underwater obstructions.

Volunteers are taught to perform different search patterns with the help of ropes and compasses, and to plan search and recovery operations as a team. According to team members, the painstaking process involves outlining a small area, searching one small step at a time. Once the search of that immediate area is conducted, the line moves one step forward again.

The team must search and cover selected areas, keeping an eye out for evidence, things out of place, or personal effects. Anything that could be considered out of place is collected, then bagged and tagged as evidence. The team then covers the entire area again from a different direction, to ensure nothing was missed.

“Attending to the pain and suffering of those loved ones is our priority in these situations,” noted Youngblood. “If we can bring closure to a mother, father, sister, brother, then we know we have done our best.”

Often the search area is large because there are no eyewitnesses or the eyewitnesses cannot accurately

identify the place where the drowning victim or object was last seen. Large areas are often impossible to effectively search with traditional techniques, and consequently, searches are terminated after several days and recovery is left to chance.

“It’s a tough decision for the divers,” stated Webb. “There’s nothing we want more than to bring closure to the family, all the officers involved, and the community.”

The team has received numerous commendations from the city and county for their work. Over the years, FLETC staff received certificates of appreciation from the leadership at Fort Stewart, the U.S. Coast Guard, and other agencies for their volunteer search and recovery efforts.

“There have been many times over the years that I have called on the team and woke them up in the middle of the night for help,” said Wiggins. “I could not perform my job if it wasn’t for the volunteers on the search and recovery team.”

Alicia Gregory is a Senior Public Affairs Specialist in the FLETC Protocol and Communications Office. She arrived at FLETC in 2005, after serving as the U.S. Army Corps of Engineers, Charleston



District’s public affairs officer. Gregory has more than 20 years working in the public affairs field and has an extensive background in internal communications, and community and media relations. She is a graduate of the Defense Information School in Fort Meade, Maryland. Gregory has a Bachelor of Business Administration from South University.

Colleges and Universities Provide College Credit to FLETC Graduates

Graduating from a basic training course taught at the FLETC is quite an achievement. It takes dedication, perseverance and time, but in the end, these programs prepare individuals for careers in federal law enforcement. While that is an accomplishment in itself, many graduates are now finding the efforts they gave toward completing these basic training courses may also earn them college credits. FLETC Director Connie L. Patrick, working together with leadership from various educational institutions, is paving the way for current and former students to receive college credit hours for three FLETC basic training programs.

One example of this is the FLETC's current partnership with the College of Coastal Georgia in Brunswick, Georgia. In 2013, the two organizations signed an agreement where the school will provide credits for courses covered in the Criminal Investigator, Uniformed Police, and Land Management Training Programs for equivalent courses in criminal justice and law enforcement.

In fact, students who have completed the mentioned training programs within the last three years can earn up to 12 hours of college credits that can be applied towards degree programs at Coastal Georgia or potentially transferred to another college or university. Current trainees may also enroll in the program while attending one of the basic training courses.

"It was the dedication of our FLETC loaned executives at the College of Coastal Georgia over the

past several years that has allowed our two institutions to provide this benefit to the thousands of eligible agents and officers," said Director Patrick.

This is not the only school that is helping former and current students earn college credits based on their FLETC training. Eastern New Mexico University-Roswell notes that law enforcement officers certified by FLETC, among other certified law enforcement professionals, can use that certification as part of a two-tiered course of study to receive either an Associate of Arts in Criminal Justice or an Associate of Applied Science in Police Science at the university. In addition to their campus at Roswell, they offer online classes.

In addition, the FLETC recently signed an agreement with Columbia Southern University, whereby graduates of FLETC's basic training programs can receive in some instances up to 21 hours of college credit that may be counted toward completion of a degree at CSU.

Other schools have differing criteria for the type and number of college credits provided for FLETC programs. Students should contact the specific academic institutions for details on what they offer.





FLETC Hosts Joint Peace Officers Memorial Ceremony

FLETC held its 29th annual ceremony Wednesday, May 21, honoring those FLETC graduates who lost their lives in the performance of duty. The ceremony was a joint observance with other area law enforcement agencies in southeast Georgia, including the Brunswick Police Department, Glynn County Police Department, Glynn County Sheriff's Office, Georgia State Patrol and Georgia Department of Natural Resources. Almost 300 FLETC and Partner Organization staff, community members, congressional staffers, students and family members attended the morning ceremony.

This year, three names were engraved upon the FLETC Graduates Memorial, bringing the total to 199 since the establishment of FLETC in 1970. Those honored were: former National Park Service Ranger Robert W. Baron, who was a Sergeant with the Sandoval County (N.M.) Sheriff's Office when he was killed; U.S. Customs and Border Protection Officer Darrell J. Windhaus; and Federal Bureau of Prisons Senior Officer Eric J. Williams. While there were no area law enforcement agencies that lost officers or agents this past year, the Brunswick Police Department has discovered information about Special Constable Marvin M. Wilder, who was killed in line of duty in 1921.

FLETC Director Connie Patrick introduced the keynote speaker Judson Murdock, Director, Houston Office of Field Operations, U.S. Customs and Border Protection, and welcomed the full auditorium to the solemn ceremony.

“Today’s Peace Officers Memorial Day ceremony recognizes that public safety often comes at an enormous price. Whether at the federal, state, or local level, law enforcement professionals defend our Nation against violence, threats, crime, and terrorism,” Mr. Murdock said.

“With valiant service comes great sacrifice. Without this sacrifice, America’s precious freedoms and valued liberties would no longer exist.”

The ceremony included the reading of the FLETC graduates honor roll of names by FLETC Assistant Director Marcus Hill; Glynn County Sheriff Neal Jump read the state and local agencies honor roll of 49 names from area law enforcement agencies.

The CBP Field Operations Academy Honor Guard presented and retired the Colors while agency representatives from the three federal agencies who lost officers placed a wreath at the memorial at the conclusion of the ceremony.

“All of these individuals whose names we will call today are recognized for their noble service in life,” Director Patrick said. “We recall their service and sacrifice at our Memorial service as we say their names each year.”

For further information and a full listing of the FLETC Graduates Memorial, visit: <http://www.fletc.gov/about-fletc/fletc-graduates-memorial/>.

Top picture: Director Connie L. Patrick welcomes guests to the Peace Officers Memorial Ceremony.

Center picture: Closeup of the wreath placement at the FLETC Peace Officers Memorial.

Bottom picture: The wreath detail and Windhaus family members proceed to the Memorial site.





Women in Law Enforcement



President Obama speaks about women in the workforce during his State of the Union address.

In his 2014 State of the Union address, President Obama declared that “when women succeed, America succeeds . . . We truly can’t afford to have women held back or prevent them from reaching their full potential if we hope to maximize the strength and productivity of our workforce.” As part of its work to promote this sentiment, the White House Council on Women and Girls has highlighted the Federal Law Enforcement Training Centers’ (FLETC) Women in Law Enforcement Leadership Training Program (WLELTP). In November 2011, FLETC Director Connie Patrick described the need for the WLELTP in an entry on the Council’s blog. She wrote, “While the law enforcement officers in attendance represented a diverse spectrum of agencies and function, they shared common experiences as women in law enforcement.

Although women make up 47 to 50 percent of the workforce in the United States, they constitute only up to 20 percent of the law enforcement workforce and are underrepresented in the management ranks. FLETC is working hard to advance issues that impact women in law enforcement.” In March 2014, Department of Homeland Security Secretary Jeh Johnson referenced the WLELTP in his post on the Council’s blog as one way DHS provides empowerment for women and girls.

A recent graduate of the WLELTP enthused, “The Women in Law Enforcement Leadership Training Program is hands down one of the best leadership courses that I have ever had the pleasure to attend.” So, what exactly is this program and why is it receiving such high visibility?

The WLELTP is a five-day session designed for women in law enforcement who desire to further develop their leadership skills. It is a career development tool that provides a unique opportunity to view leadership principles from the female law enforcement professional’s perspective. The courses in the program concentrate on issues and challenges common to female leaders in law enforcement, including gender differences, work life harmony, and others. The program facilitates open, candid discussions and exercises to identify and develop approaches to deal with common issues and challenges. The competency areas include leadership skills through understanding and adapting to human behaviors, communication skills, team building, situational decision-making skills, and emotional intelligence. Taking into consideration life and work



Women in Law Enforcement Leadership Training Program held in Budapest, Hungary. Executive Panel consisted of FLETC Director Connie Patrick, FLETC Assistant Director Dominick Braccio, and Hungarian National Police General Ildiko Kincses.



Leadership Training Program

By Janet Lanham



FLETC's Leadership Institute conducted a Woman in Law Enforcement Leadership Training Program in Lima, Peru.

experience, participants explore these topics and develop skills through lecture, practical exercises, case studies, and self-directed learning. During the program, distinguished law enforcement executives lead a panel discussion on law enforcement leadership topics that the participants select.

FLETC delivered an early version of a program tailored to women, 21st Century Leadership for Women in Law Enforcement, to high-ranking female law enforcement in Bucharest, Romania, in June 2010. Recognizing the need for and potential success of this type of program, FLETC formalized the WLELTP in conjunction with its leadership training curriculum development and review activities. The WLELTP debuted at Glynco in November 2011 for 21 federal law enforcement participants. The course was extremely well received, and FLETC deemed it an overwhelming success. Since that inaugural iteration, FLETC has offered the WLELTP both domestically and internationally more than 15 times to more than 550 female law enforcement executives from more than 50 countries. In addition to domestic locations, FLETC has delivered this program in Lima, Peru and Accra, Ghana, and at the

International Law Enforcement Academies (ILEAs) in Bangkok, Thailand; Budapest, Hungary; Gaborone, Botswana; and San Salvador, El Salvador. FLETC has planned additional iterations of the WLELTP in 2014 domestically in Florida and internationally at the ILEAs in Bangkok and Budapest.

The ILEA senior leadership has been instrumental in ensuring that the WLELTP receives needed support and public awareness. High-ranking female executives, including United States ambassadors, have delivered opening remarks for many of the overseas programs, stressing the importance of developing women as law enforcement leaders and explaining how the WLELTP can help fulfill that crucial goal. In Lima, Peru, an associate of U.S. Ambassador Rose M. Likins complimented and challenged the women, saying, "You have the valuable assignment of application of the law, of the practice of justice, and of strengthening the rule of law. It is wonderful to find so many brave women that dedicate the best part of their work and effort to fight for the common good to establish peace and legality." Addressing a class in El Salvador, the San Salvador Magistrate President



In May of 2013 the FLETC's Leadership and International Training Division conducted a Women in Law Enforcement Leadership Training Program (WLELTP) in Gaborone, Botswana.



of the Supreme Court of Justice, Ms. Doris Luiz Rivas, observed, “Great changes and transformations begin with only a few. This [WLELTP] is a starting point. Let us look forward with greater involvement and work within our institutions to strengthen democracy. This is important! If women awaken we can become more effective and awaken the destiny of our country.” U.S. Ambassador to El Salvador Mari Carmen Aponte, Deputy State Secretary Dr. Krisztina Berta of the Ministry of Interior for the European Union and International Matters, U.S. Ambassador to Botswana Michelle Gavin, U.S. Ambassador to Hungary Eleni T. Kounalakis, and U.S. Ambassador to Thailand Kristie Kenney expressed similar sentiments during iterations of the WLELTP.



FLETC’s Leadership and International Training Division conducted a Women in Law Enforcement Leadership Training Program (WLELTP) in Accra, Ghana.

An unexpected bonus occurred during two of the programs when WLELTP participants had the opportunity to interact and converse with young girls from local high schools. Topics of conversation included life choices, education, career guidance, and the future of females in law enforcement. One of the young attendees at ILEA Gaborone exclaimed, “Through this interaction with these law enforcement women, I will now consider a career in



Attendees and panel members of the Women in Law Enforcement Leadership Training Program held in Glynco, Georgia.

law enforcement. This has changed my life!” A young girl at ILEA San Salvador marveled, “I am honored and excited to be with such a large group of women law enforcement officers. I never thought this opportunity would happen to me.”

The popularity of the WLELTP reflects the genuine need for this type of program. The testimonials speak for themselves, and demonstrate how partnering with the international law enforcement community has enabled FLETC to have a significant impact on females in the profession. The Leadership and International Training Division Chief, Ariana Roddini, professes, *“The success of the program is a credit to the instructors and staff of the FLETC’s Leadership and International Training Division who work hard to develop and deliver this valuable curriculum.”*

Janet Lanham was appointed as an instructor with the Leadership and International Capacity Building Division in 2012. In this capacity, she facilitates instruction in a variety of leadership courses presented in both domestic and international environments. Lanham’s federal government career spans over 34 years which includes more than 29 years in law enforcement. Prior to her current assignment, Lanham was the chief of the Training Innovation Division at FLETC. Before joining the Department of Homeland Security, Ms. Lanham held various leadership positions with the Department of Treasury, Internal Revenue Service, Criminal Investigation Division.





Training For Reality

By Preston Farley

As our civil society has embraced technology and the computer age, so has the criminal element. People now spend historically unprecedented amounts of time on computers, both stationary and mobile. Activities such as voice communication, texting, emailing and surfing the Web are a few of the standard activities for which law enforcement officers must be prepared to investigate. Currently, FLETC offers numerous technology-centric law enforcement training programs, which cover the gamut of technologies that most people use day-to-day and that comprise the bulk of a law enforcement officer's investigative needs related to digital evidence. What follows are a few success stories of how FLETC-trained officers utilized their training to successfully investigate and aid in the prosecution of digital evidence-based crimes.

The Case of the Missing Women

The case was cold, nearly five years old, and all leads seemingly exhausted. The facts of the case are straightforward. On Aug. 6, 2006, two women, Kay Harrelson and Peggy Merimon were seen leaving their place of work, the Lubbock State School, at lunchtime.

They were accompanied by co-worker Mickey Patterson. The women never returned to work or home and were never seen again. When subsequently questioned by authorities, Patterson stated he took the women to his home where they had a tryst; he gave them his car, and he never saw them again. Harrelson's decapitated body was found in a ditch a couple of miles from the school 13 days later. Merimon's body was not immediately found. As video evidence revealed, three people were indeed in Patterson's car near his home during lunch on that fateful day, but evidence to connect Patterson to Harrelson's death was lacking; therefore, Patterson could not be held by authorities.

Fast forward four years. Merimon's body is discovered in an open field about 13 miles from the school, and the discovery ignites the cold case. Joe Moudy, a detective with the Lubbock, Texas Police Department, utilizes the latest technological resources and makes a huge discovery. By 2006, most American adults carried cell phones. Whenever someone makes a phone call or sends a text, that information is recorded by their cell phone provider. What is less well known is that the



phone's general geographical location is also tracked and recorded by the carrier as well.

This is partly due to the federal law requiring cell phones to establish their location for 911 emergency service providers to render aid, when required. Moudy was well aware of this information due in part to his attendance at FLETC's Mobile Device Investigation Program, where he was equipped with cutting-edge training and tools to conduct such an investigation.

Moudy subpoenaed the records for the cell towers nearest the recovered remains of the date in question. The records, nearly five years old, were still available from the cell carriers. The records disclosed that the primary suspect's cell phone was within the coverage area of that particular tower at the time and date in question. This fact, accompanied by the other circumstantial evidence gathered in the case, was compelling enough for a jury to convict Patterson of murder and sentence him to life in prison where he died of natural causes a year later.

The most interesting part about this case is that a mobile digital device's geo-location was the lynchpin to solving the case. Not the data on it, but information about it. Technically, information about data is called metadata. It is imperative that investigators and their supervisors are at least notionally aware of the capabilities of digital forensics in this day and age. A digital footprint is the theoretical trail someone leaves just by virtue of living in a digitally-enhanced society. People don't necessarily have to take an overt action to create a digital footprint. If they walk by many businesses or private residences, their presence may be recorded and stored digitally on their digital video recorders for a period of time. The simple act of driving a vehicle

increasingly means creating another digital footprint as most automobile manufacturers are including features that necessitate digital data.

Global positioning systems, mobile Wi-Fi hotspots, and enhancing or replacing cellphones inside of a vehicle all enlarge digital footprints. For example, let's explore a man's fictional drive to his work place. First, he might drive through his favorite coffee shop and pay for his drink with an app stored on an iPhone, which is linked to a bank account. Next, he might hit the expressway where his digital toll-box mounted to his windshield is queried, which marks the precise date/time/location of his entry to the toll road, takes a photograph, and debits the appropriate amount from his bank account. As he drives along, his phone and perhaps vehicle are communicating with cell towers along the way. This information is archived by phone providers for various lengths of time (usually determined by the provider holding the data) and provides time/date/location data. Finally, he gets to his office and slides his identification card into a card reader to get into his building and then into his office. Then he must slide that card into his computer to allow access to data stored. Each time the person uses his ID card, the time/date/location of the use is recorded in a database somewhere in that organization. In addition, during his drive to work he may encounter potential video surveillance, which often occurs around the clock in many public areas for traffic control, emergency response, and crime suppression.

Most of the video systems are also digital. This fictional drive to work demonstrates the digital world in which we all live. Instructors at FLETC teach students that those digits have real-world implications for investigators when they know what to look for and how to process the evidence.



The Case of the Child Pornographer

A second notable case concerned Pete Mallory, who was the owner of a small independent television station in Georgia. The station was located in a building on the West Georgia Technical College campus. He was long established in the community and well respected. One of the less pleasant but increasingly necessary tasks of law enforcement is that of searching the internet for indicators that someone in the local community is trading in child pornographic movies and images. As this practice among our citizenry has been occurring since the advent of the internet, law enforcement has had to develop and employ a variety of strategies and sophisticated software to discover and disrupt this practice.

Detective Christopher Pritchett of the LaGrange (Ga.) Police Department, is a graduate of FLETC's Seized Computer Evidence Recovery Specialist Training Program, during which he learned the basics of digital forensic examination in a Microsoft Windows environment. He has used his newfound skills to snag criminals trading in child abuse imagery by identifying their internet protocol (IP) address. (Think of an IP address as the "street address" of a computer.) On one particular day, the IP address revolved back to television station WJCN, which is located on the campus of a local college.

Scott Lewis, also an investigator with the LaGrange Police Department, arrived on the scene and discovered multiple desktop computers, laptops and removable media. As the IP address was followed, it revealed that a computer owned and operated by the station owner was the one law enforcement was seeking. Lewis promptly seized and

analyzed it, and revealed far more than just child pornographic imagery. In addition to the more than 25,000 different child abuse images and movies detailing rape and torture of children, analysis also revealed that Mallory was surreptitiously photographing his female employees, using a digital camera pointed at their chairs, mounted under his desk.

Mallory was subsequently charged with 60 counts of sexual exploitation of children, invasion of privacy, and tampering with evidence. Mallory was found guilty in a jury trial and was subsequently sentenced by Troup County, Georgia Superior Court Judge Dennis Blackmon to 20 years on each of 50 counts. Blackmon also ordered him to serve a concurrent sentence of five years for each of the remaining 10 counts. This amounted to 1,000 years in prison on child pornography charges. It is believed that this sentence is the longest for any crime that has ever been handed down in Georgia history.

As part of Lewis's training at FLETC, he received a computer capable of digital forensic analysis and specialized digital forensic software. He learned how to effectively utilize them in a forensically sound manner, which he credits as having been critical in the successful prosecution of Mallory.

The Case of Grand Theft and Forgery

Another digital evidence case was closed on July 28, 2011, when Danilo Santos pled guilty to grand theft and forgery in violation of Florida law. Santos was sentenced to five years of probation, and ordered to surrender all passports and pay full restitution and \$603 in special assessments. Santos immediately remitted \$300,000 to the victim in court. This sentence is the result of a joint Office of Inspector General for the General Services




Administration (GSA) and Miami Police Department investigation into allegations that Santos had been offering to sell luxury GSA Fleet vehicles (yachts) below market price. The complainant paid Santos for this supposed merchandise, and was defrauded of approximately \$370,000. Subsequently, with the aid of digital forensics, two additional victims were identified who paid Santos \$300,000 for a yacht he claimed he had obtained through a GSA Auction. Santos admitted to the fraud scheme, which he orchestrated by electronically altering federal documents to sell yachts that he did not own. Santos was subsequently charged in Florida state court with grand theft, organized scheme to defraud, forgery, uttering a forged instrument, and unlawful use of indicia of authority.

The special agent who conducted some of the digital forensics in this case was a graduate of FLETC's Seized Computer Evidence Recovery Specialist Training Program and the Digital Evidence Acquisition Specialist Training Program, during which officers learn how to acquire digital media as evidence. He also attended the Computer Network Investigations Training Program, FLETC's introductory course on "live network" forensic investigations.

Each of the cases were investigated by officers trained by the Technical Operations Division of the Glynco Training Directorate, located on FLETC's Glynco campus. FLETC teaches a wide array of digital forensic investigative techniques and technologies from "dead box" (where computers are not running at the time of seizure) forensics to live network acquisition to mobile device investigations to digital video recorder recovery to Wi-Fi tracking, all with the intent of capturing and documenting the digital footprint for

probative purposes. As our society moves increasingly to "the Cloud" (generally this is a process where data is stored on the internet) and more and more of our lives become bound up with the internet and other digital technologies, investigating digital evidence will become increasingly imperative.

For more information on the digital forensic programs, contact Preston L. Farley, FLETC Senior Instructor, at 912-267-4871 or email [Preston.L.Farley@dhs.gov](mailto:Farley@dhs.gov).



Preston Farley is currently the program coordinator for FLETC's Seized Computer Evidence Recovery Specialist Training Program, and has been an instructor for FLETC since 2004. He is a retired U.S. Armed Forces member with both active duty Air Force and active duty Army experience culminating in nine years of investigative experience with the U.S. Army Criminal Investigation Division Command as a special agent. He has served in Germany as a Digital Crime Lab Investigator, a General Crimes Agent and in the Balkans as a War Crimes Investigator. He also has specialized training in dignitary protective services, child abuse investigations, crime scene processing, death investigations, financial crimes, and digital forensics. He retired from the U.S. Army in June 2004.



SOME LEGAL ASPECTS OF FEDERAL EMERGENCY VEHICLE OPERATIONS – “WHEN THINGS GO WRONG, WHO IS LIABLE...?”

BY TIM MILLER

Imagine this:

Two federal law enforcement officers, Officer Kelly and Officer Smith, in the District of Columbia received a be-on-the-lookout for an armed robbery suspect and both began emergency vehicle pursuits. Their agency policy authorized pursuits of violent felony suspects after they activated their emergency lights and sirens. Policy also required them to slow down before entering an intersection, to stop if necessary, and to proceed only when it was safe. Officer Smith activated his lights, but not his siren. When he approached an intersection with a red light, he slowed to five miles per hour, but did not stop. Jill, who had the green light, drove through the intersection and her car was hit by Officer Smith’s car.

Meanwhile, Officer Kelly drove on, undeterred by the accident announced over her radio. Dispatch told her that the robbery suspect was last seen on Michigan Avenue, driving a late model brown Camaro. Officer Kelly spotted a late model brown Camaro on Michigan Avenue, driven by Jack. With her lights flashing and siren blaring, Officer Kelly moved behind the suspect.

“I was shocked to learn that Officer Kelly was attempting to arrest me,” Jack would later testify. When Jack did not stop, Officer Kelly made a split-second decision to use a precision immobilization technique that caused Jack’s Camaro to spin out of control and crash. (The officer applied the front side bumper of her car to the rear side bumper of Jack’s Camaro.) Jack was later found not guilty of the robbery.

Now, who can sue whom - and for what? And when is the party sued liable for damages?

Can Jill sue the United States?

The Federal Tort Claims Act allows an injured party to sue the United States for the actions of Officer Smith based on the laws of civil liability where the claim arose – or in this case, the District of Columbia.¹ While the Tort Claims Act has some restrictions, those restrictions will not stop Jill’s suit.

Officer Smith must be within the scope of his employment. And he was. Officer Smith was authorized to arrest robbery suspects and was trying to catch one at the time of the accident. Granted, he violated agency policy. He failed to activate all of his emergency equipment and drove into an intersection when it was unsafe. But that does not put Smith outside the scope of his employment. Scope of employment determinations are made liberally in most cases. In the DC area, the test is whether the employee was performing

a service in furtherance of his employer’s business, not whether the service was done in exact observance of the employer’s orders.²

Here, the Tort Claims Act gives Jill a remedy against the United States. It also protects Officer Smith. Federal officers are immune from local tort law while within the scope of their employment. The law makes the United States the defendant, and if the officer was at fault, the United States pays the plaintiff’s damages.

Can the United States be sued for negligence?

Private parties are liable for simple negligence, and the Tort Claims Act makes the United States liable the same as “...a private individual under like circumstances.” If a private party can be held liable for negligent driving, so can the United States – even in a pursuit. That was the decision of the United States District Court for the District of Columbia in *Lee v. United States*.³ “Like circumstances” were interpreted broadly. Every motor vehicle operator owes a duty of care to other people sharing the road, regardless of the driving context.

Furthermore, the defending United States in *Lee* could not hide behind the District of Columbia’s immunity statute for emergency runs. The Court would not allow it. The United States is liable like a private party, not the District. This broad/narrow interpretation of the law may make the United States civilly liable when other governmental entities are not.

Like some states, the District of Columbia has chosen to statutorily immunize itself from all but gross negligence in an emergency run. The District cannot be sued for simple negligence. So if a Metropolitan Police Department officer crashed into Jill, she could not recover – again, not unless the officer was grossly negligent.⁴ Gross negligence

¹*Elizondo v. Green*, 671 F.3d 506 (5th Cir. 2012) cert. denied, 2012 U.S. LEXIS 7560 (2012); see also *Elizondo v. City of Garland*, 2011 U.S. Briefs 1375 (2012).

²See *Rockwell v. Brown*, 664 F.3d 985 (5th Cir. 2011).

³*LEE v. UNITED STATES*, 570 F. SUPP. 2D 142 (D.D.C. AUG 14, 2008).

is difficult to prove. It requires an extreme deviation from an ordinary standard of care. An example might be driving 80 miles per hour into an intersection during heavy rush hour. In that case, even the District could be liable. But the risk posed by Officer Smith, a federal officer, was not so extreme. Smith rolled through the intersection. Still, he demonstrated an absence of due care by not activating all of his emergency equipment, and like a private party, the United States is liable for simple negligence.

Where innocent victims are concerned, the United States' potential for civil liability is great – greater than it might appear. For example, what if the suspect's car crashed into Jill's, not the officer's? Following a suspect too closely at high speeds may act as a catalyst that pushes the suspect onward, thereby causing the suspect's collision with another car – and liability for the United States.⁵ And what if an innocent passenger had been inside Jack's car? The officer may have a duty to use reasonable force to seize the suspect, and due care not to injure the passenger.⁶ Federal officers are held to a "reasonably prudent officer" standard of care. This hybrid private party standard is consistent with holding private-party-professionals to a standard of care that is commensurate with their profession. So like a surgeon who must meet a certain standard of care to remove what is bad, and protect what is good in surgery, so must a federal officer in a chase.⁷

Can Jack sue Officer Kelly – and the United States?

Yes, but to sue successfully, the law will place a higher burden on Jack than on Jill. The Tort Claims Act shields federal officers from local

tort claims, not constitutional ones.⁸ Kelly intentionally terminated Jack's freedom of movement. She "seized" him, which triggered the Fourth Amendment's objective reasonableness test. The objective test requires the court to weigh the nature of Kelly's intrusion on Jack's liberty – the immobilization technique – against the countervailing governmental interest at stake – why she did it. The Supreme Court's decision in *Graham v. Connor* lists several factors to consider. What was the severity of the crime, or basis for stopping Jack? Could Officer Kelly reasonably believe Jack posed an immediate threat to her or others? And were there facts to believe that Jack was actively resisting arrest or attempting to evade arrest by flight?⁹ Here, Jack was suspected of armed robbery; he did not stop at Kelly's signal; and Kelly performed the immobilization technique with her car to force him to halt.

Jack's argument is predictable: "I was acquitted!" However, officers are not judged by 20/20 hindsight. The objective test asks whether a reasonable officer could believe that Jack was the robber based on the facts at the time. Here again, Kelly had a be-on-the-look-out for a robber; the robber was reported to be driving a late model brown Camaro on Michigan Avenue; and, she saw a late model brown Camaro – on Michigan Avenue.

"But Kelly should have waited," Jack may persist, "I would have eventually stopped." That argument should not carry much weight, either. "You should have..." and "I would have..." often mark the beginning of subjective opinions that are based on hindsight and not the facts confronting the officer. The objective test asks, "Could a reasonable officer believe that Jack was the robber and that the immobilization technique was reasonable to stop

⁴SEE LEE, 570 F. SUPP. FN. 12 AT 151.

⁵SEE DISTRICT OF COLUMBIA V. HAWKINS, 782 A.2D 293 (2001).

⁶SEE LEE, 570 F. SUPP. AT 154.

⁷OTHER FEDERAL COURTS HAVE ALLOWED INNOCENT THIRD PARTIES TO SUE UNDER A GENEROUS DUE CARE STANDARD. SEE LEE, 570 F. SUPP. AT 151 CITING HOLTHUSEN V. UNITED STATES, 498 F. SUPP. 2D 1236, 1240 (D. MINN. 2007); SCHREINER V. UNITED STATES, 2005 U.S. DIST. LEXIS 36641 (D.S.D. 2005); SEE ALSO STROH V. UNITED STATES, 2012 U.S. DIST. LEXIS 131996 (D. COL. 2012). THE SUPREME COURT HAS NOT APPLIED THE ACT TO A HIGH SPEED PURSUIT, BUT HAS ALLOWED NOVEL AND UNPRECEDENTED GOVERNMENTAL LIABILITY IN OTHER CASES. UNITED STATES V. OLSON, 546 U.S. 43 (2007); RAYONIER V. UNITED STATES, 352 U.S. 315 (1957)(U.S. SUE FOR NEGLIGENT FAILURE TO CONTROL A FOREST FIRE); AND INDIAN TOWING CO. V. UNITED STATES, 350 U.S. 61 (1955).

⁸BIVENS V. SIX UNKNOWN FEDERAL AGENTS, 403 U.S. 388 (1971).

⁹SEE GRAHAM V. CONNOR, 490 U.S. 386 (1989).

him?” And what could be going on in a reasonable officer’s mind - if Kelly waited? How about an ensuing high speed chase over the streets of Washington, D.C., threatening the lives of innocent people? The Supreme Court cautioned that the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments— in situations that are tense, uncertain, and rapidly evolving – about the amount of force that is reasonable.¹⁰

Can Jack Sue the United States?

Jack has one more chance. The Tort Claims Act’s enforcement proviso also allows him to sue the United States under the local tort law. Assault and battery, false arrest, and false imprisonment are foreseeable, local tort claims that suspects make in cases where officers search and seize them. As a result, suspects may sue the United States under the local law and the officer for a constitutional violation. But to decide the local claims, the courts still apply Fourth Amendment principles.

To be fair, not every federal judge agrees with that; specifically, that the objective test for judging police officers is consistent with the law’s private party analogue. Writing for the United States Court of Appeals for the Ninth Circuit, Judge A. Wallace Tashima made a logical argument that if the law means what it says, namely, that the United States is liable like a private party, the local law for citizens’ arrest should apply.¹¹ Jack would certainly like that. Officer Kelly would have no authority to seize him unless the crime was committed in her presence.¹²

But the courts generally hold that a pure private party analogue does not recognize the extraordinary obligations of law enforcement and would lead to

the absurd result that an arrest, effected lawfully under federal law, could still subject the United States to tort liability under the local law.¹³

To sum up . . .

It may seem obvious – that a suspect’s tort claim is likely to fail, if it based on a seizure that was effected lawfully under federal law. It should be just as obvious, however, that trying to seize suspects in a chase involves more than just cops and robbers. The FLETC staff includes experts in the area of emergency driving who teach students how to reduce the United States’ potential for civil liability and protect the public. They teach students to consider such factors as the seriousness of the originating offense, the volume of traffic, road conditions, and speeds. Most important, they teach them to weight the need to apprehend the suspect against the risk that the pursuit poses to innocent parties. And when the risk outweighs the need, they teach: ***Terminate the pursuit.***



Tim Miller is the Subject Matter Expert for Use of Force for the Federal Law Enforcement Centers Legal Division. Mr. Miller joined the United States Marine Corps in 1984 after taking the Illinois state bar exam. He served as a prosecutor, defense counsel, military judge, and staff judge advocate. Mr. Miller received a Bachelor of Science Degree and Juris Doctorate from Southern Illinois University at Carbondale, Illinois. He received his Master of Laws from the Army Judge Advocate General’s School in Charlottesville, Virginia.

¹⁰Id. at 397.

¹¹In *TEKLE v. UNITED STATES*, 511 F.3d 839 (9TH CIR. 2007), THE NINTH CIRCUIT WAS UNABLE TO REACH A MAJORITY OPINION ON HOW TO DISPOSE OF FTCA CLAIMS ARISING OUT OF A FEDERAL SEARCH AND SEIZURE. ON REMAND, THE LOWER COURT APPLIED FOURTH AMENDMENT PRINCIPLES. SEE *TEKLE v. UNITED STATES*, 2009 U.S. DIST. LEXIS 39091 (C.D. Ca 2009).

¹²D.C. CODE § 23-582(b)

¹³SEE *ARRINGTON v. UNITED STATES*, 473 F.3d 329, 335-336 (D.C. CIR. 2006); *VILLAFRANCA v. UNITED STATES*, 587 F.3d 257, 261-264 (5TH CIR. 2009); *WASHINGTON v. DEA*, 183 F.3d 868, 874 (8TH CIR. 1999); *TING v. UNITED STATES*, 927 F.2d 1504, 1514 (9TH CIR. 1991); *DENSON v. UNITED STATES*, 574 F.3d 1318, 1336-1337 (11TH CIR. 2009); SEE ALSO *TEKLE*, 511 F.3d 839, 857 (FISHER, R.C., CONCURRING).



TSA ACADEMY – CENTER OF LEARNING

By Dan Furlong

TSA Administrator John S. Pistole envisioned a TSA center of learning excellence. The center would focus on training standardization and improving employee performance and professionalism while building an organizational culture that helps instill the understanding of TSA's role as a member of the Department of Homeland Security team.

Established in March of 2012, the TSA Academy at the Federal Law Enforcement Training Centers' Glynco facility gave life to that vision. The Academy has graduated more than 5,500 TSA employees through a variety of courses offering leadership, professional development, and technical and operational training, and has created a learning environment conducive to developing and strengthening a sense of unity and common interests.

The initial course delivery at the TSA Academy, entitled Essentials of Supervising Screening Operations for the Supervisory Transportation Security Officer, provides front-line supervisors with the knowledge and skills to contribute to TSA's success in critical areas such as employee integrity, responsibility and performance. TSA partnered with FLETC to incorporate a personal assessment tool into the supervisor course and has been able to establish a common performance and feedback

language using the tool, which will be included in future courses for other members of TSA's field leadership team. During the two-week supervisor course participants receive three days of leadership training taught by FLETC Instructors. TSA Academy instructors are then reinforcing those leadership lessons in the technical, administrative and professional development components of the course.

The TSA Academy focused on delivery of the course to 4,350 Supervisory Transportation Security Officers in just under 18 months by opening classes for 90 new supervisors each week. At the conclusion of a recent TSA Academy visit to address the final class in this focused effort, Administrator Pistole stated, "I couldn't be more pleased with the course and the positive feedback I have heard from our supervisors. The TSA Academy is helping to change the culture of TSA, one employee at a time."

In April 2014, the subsequent offering of the "Essentials" platform, Essentials of Leading Screening Operations for Lead Transportation Security Officers, opened at the TSA Academy. The Essentials of Leading course employs the same personal assessment tool and leadership topics that are at a level appropriate for the Lead Transportation Security Officers' role within the leadership team, and includes enhanced skills training, again focused on the



Since the ribbon cutting ceremony in March of 2012, the TSA Academy at the Federal Law Enforcement Training Centers' Glynco facility has graduated more than 5,500 TSA employees.



“The TSA and FLETC partnership goes beyond the logistics associated with the delivery of training; it allows TSA and FLETC professionals to team up in the design of curriculum, and for the first time approximately 30 percent of the newly revised Transportation Security Inspectors’ basic training course will be delivered using a combination of current FLETC curriculum, instructors and facilities.”



The TSA Academy conducts many of its practical exercises at the Glynco International Transportation Center.

responsibilities unique to the position. Leveraging the FLETC facilities, the course also includes practical exercises that are conducted at the Glynco International Transportation Center.

The TSA Academy delivers a multitude of technical skills training courses. Leveraging integrated training opportunities has allowed TSA to offer courses designed specifically for its Transportation Security Inspectors and Security Training Instructor and will soon include courses for our Transportation Security Specialists for Explosives and Behavior Detection Officers. The TSA and FLETC partnership goes beyond the logistics associated with the delivery of training; it allows TSA and FLETC professionals to team up in the design of curriculum, and for the first time approximately 30 percent of the newly revised Transportation Security Inspectors’ basic training course will be delivered using a combination of current FLETC curriculum, instructors and facilities.

To accelerate its evolution to a high performing counterterrorism organization, TSA is planning to conduct pilot Transportation Security Officer new hire training at the Academy beginning in the fall of 2014. The New Hire Training Program is currently delivered locally at airports, and includes both classroom and on-the-job training components. Establishing an Academy delivery of the

classroom portion of security basic training will introduce officer candidates to the TSA culture at the earliest opportunity.

The TSA Academy has experienced rapid growth and continually earns positive feedback from both internal and external sources on its efforts to facilitate the highest levels of job proficiency. Increasing in size, the number of available training opportunities, and student throughput, the TSA Academy is working towards receiving Federal Law Enforcement Training Accreditation for its basic training courses, and ultimately, certification by the American Council on Education for undergraduate or graduate credit.

Dan Furlong has been with the Transportation Security Administration since 2006, and in October 2011 was named the first branch manager at the TSA Academy located on the FLETC Glynco campus. Dan previously was assigned to TSA’s Office of Global Strategies, serving in several positions both at headquarters and at a number of international locations. He began his federal government career in 1978 as a member of the U.S. Air Force Security Police, joining the civilian side of federal operations in 1984 as an air traffic controller, and each step in his career has prepared him for his most recent role of standing up the TSA Academy. Dan graduated with a bachelor of science degree in business management from Oklahoma City University.





FLETC 'TRAINS 'THE 'TRAINER

Ed Sizemore

Need to learn a foreign language? Find someone who speaks that particular language and learn from them. Easy! Or, is it? While they may know how to speak it, do they truly know how to teach it? Most people understand how $54 \times 11 = 594$, but how many could easily explain it to an 8- or 9-year-old?

Given a gun, ammunition, and a suitably large area for shooting, many people could learn the fundamentals of marksmanship through trial and error (barring any unfortunate accidents due to a lack of firearms safety instruction). To develop true skills and shorten the time and expense (not to mention any possible periods of hospitalization) versus what would be needed for the trial and error method, people and agencies turn to firearms instructors.

Firearms instructors are not born, but are developed through instilling skills in a wide range of firearms, topical areas, practice teaching, and a host of other experiences that add to the credibility and proficiency of instructors. The old adage that “those who can, do – those who can’t, teach” is disproven by the firearms instructor students at the FLETC.

For agencies looking for training curriculums for new firearms instructors or refresher training for current ones, FLETC offers two stellar programs among its long list of advanced firearms programs, the Firearms Instructor Training Program



and the Firearms Instructor Refresher Training Program. The Firearms Instructor Training Program is accredited by the Federal Law Enforcement Training Accreditation Board, which is the accrediting body for all federal law enforcement training and support programs. The programs are also available to state, local, tribal, military and international students. As long as the prerequisites are met, any credentialed law enforcement officer or agent or active duty military may qualify for a seat in these classes.

When considering the Firearms Instructor or the Firearms Instructor Refresher training programs for their new or current instructors, agencies will realize that neither of these programs are schools for learning how to shoot. While the students do get ample opportunities to shoot during the course, it is expected that all students are already excellent marksmen. For those who can, it is strongly urged that they bring their assigned/issued weapon (if permitted by their agency) as well as their leather/web gear. It should be noted that certain types of holsters are not permitted. Trigger finger manipulation, cross-draw, shoulder, or thigh holsters are not allowed in training.

If the students require weapons or leather/web gear, FLETC will provide these items for participants to use during the training. Once accepted for the training, a letter will be forwarded to each student detailing what they will need to bring with them and what they should be prepared for upon arrival.

In the Firearms Instructor Training Program, the students face a qualification course that requires shooting a



Developing the shooter – the ultimate goal of the professional firearms instructor.

standardized course of fire and achieving a score of at least 255 points out of a 300 possible points (85%). A copy of the course of fire is included with the student information letter. This qualification course is shot on the afternoon of the first day of the two-week class and, for those that fail to meet the required score, there are no opportunities for remediation or additional attempts at qualifying. Students who do not qualify can reapply to return to later classes and would have to meet the same standards.

For the Firearms Instructor Refresher Training Program, the students must have already graduated from an accepted firearms instructor development program (FLETC staff can advise interested parties on those programs that qualify). Further, they must be serving or have served as a firearms instructor (either full-time or collateral duty) within their agency.

For organizations that have a need for training a significant number of firearms instructors, FLETC can export either program. Some agencies combine their need for training instructors with conferences or by inviting other agencies to share in the expense of an export class. Since much of the cost of training consists of the travel expenses of the student, by exporting the training to their site the organization is able to pay the travel expenses and per diem of the FLETC instructors (three or four) versus the expenses of sending large numbers of students to a FLETC site. Also, if the agency provides the weapons, ammunition, and other needed supplies for the students, even greater savings can be realized. The FLETC can work with the requesting agency to configure an export class that will meet its needs.

What will the students receive when they arrive for training? One thing that they will receive that is truly priceless is the benefit of the diverse backgrounds of the instructor staff. From a wide range of backgrounds with federal, state, and local agencies as well as military experience, the instructors are dedicated to providing their students with the best possible instructional training to meet the needs of their organizations. During the course of their training, the instructor students have opportunities to interact with FLETC students in various basic law enforcement training programs and act as instructors on



Sight picture, trigger control – the fundamentals always apply!

the firing line under the guidance of experienced firearms instructors.

The training in the Firearms Instructor and the Firearms Instructor Refresher training programs cover a broad spectrum of topics. First and foremost is the importance of safety for instructors – both on the firing range and at home. Stories of unintended shootings of officers and agents during what should have been routine training exercises abound in law enforcement circles. For example, a child finds Mom or Dad’s duty weapon at home and either shoots himself or someone else. It is the responsibility of all firearms instructors to ingrain firearms safety in their students and demonstrate proper safety at all times. Being a good example strengthens the learning.

When it comes to firearms safety, it is life – not liability – that is the primary concern.

During the Firearms Instructor Training Program, the students receive exposure to handguns, shotguns, rifles, and submachine guns. The instructor students learn how to pass the information and methods along to their students. These classes are not focused on developing shooting skills, but, rather, on properly training agents and officers in effective instructional techniques. Other topics covered include handgun and shotgun stress, officer down and disabled officer courses, judgment pistol shooting, officer survival, situation response exercises, and use of cover drills.

In Firearms Instructor Refresher training (a one-week program), students have opportunities to shoot while designing, participating, and coaching other students through various live-fire stress courses. The trainees

are also organized into teams during the development of interactive training exercises and cover drills using non-lethal training ammunition. Some of the other areas covered are reduced light shooting with flashlights, shotgun drills, and situational awareness. Again, the emphasis is on instruction, not shooting.

Graduates of the Firearms Instructor Training Program have provided some compliments to FLETC staff. An Australian Federal Police Agent stated that “the program (Firearms Instructor Training program) contained a mix of theory and practical sessions that were structured as building blocks to ensure increasing knowledge, skills and abilities of students. A significant difference between the program and other similar programs conducted by other organizations/agencies was that the program was focused as an instructor development program and was not focused as a shooting course.”

Whether an experienced firearms instructor or a newly selected instructor candidate, law enforcement officers seeking professional training will find FLETC has programs just right for them.

Ed Sizemore, M.A., M.S., CPP, is a Senior Instructor at the Federal Law Enforcement Training Centers at Glynco, Georgia, where he has served for fifteen years. With graduate degrees in security management and counseling as well as postgraduate work in homeland security, he currently serves in the Firearms Division, and previously served as a Senior Instructor in the former FLETC Management Institute. Ed is a 2011 graduate of the FLETC Future Leaders Program. A retired Coast Guard officer and a former Special Agent of the Coast Guard Investigative Service, Ed is a true believer in providing quality professional law enforcement training to all of FLETC’s students.





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