

Journal

of the Federal Law Enforcement Training Centers
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Inside this issue



CONNIE PATRICK
FLETC Director

Officer safety and survival is always a key aspect of training law enforcement personnel. Here at the Federal Law Enforcement Training Centers, we want officers and agents to have practiced skills enough that when faced with a situation on the job, they will act appropriately and without hesitation. We don't want them to experience something the first time when in the field, especially a high risk incident that could cause injury or death.

In the last few years, we have observed with concern that the number of vehicle crashes has become the leading cause of death and injury among law enforcement officers nationwide. And last year then-President Mark A. Marshall of IACP focused us on the fact that the number of law enforcement officers killed in the line of duty in the United States increased by 38 percent in 2010. This included dramatic jumps in the number killed by gunfire: up 24 percent; and those killed in traffic crashes: up 43 percent.

Along with the IACP and other training-oriented institutions, we want to study this statistic by modifying training to see if we can affect the outcome in a positive way. As you'll see in the lead article, "Safety First: FLETC Takes Distracted Driving Head On," by Jeff DuPont, there are two main factors which contribute to law enforcement crashes: distracted driving and poor decision making.

FLETC is doing several things to provide training to better prepare its students. We have changed to a combined skills range which features all of the driving challenges one would find on a roadway: on and off ramps, intersections, traffic lights, and graded bridges. While driving safely negotiating these standard features, FLETC students must ignore the distracters of sirens, lights, and radio communications – sending and receiving. As noted, we want them to integrate those tasks here so they are comfortable and competent when it happens to them in the field.

Another way we better prepare our students is through the use of simulators. There are several advantages to simulated training – it can be done anytime, anywhere, and we can add elements of danger to an exercise that would be too dangerous in a live exercise. Our driver simulators can add elements of snow, rain, traffic congestion, and unexpected obstacles to prepare students for the complex environments they'll be driving in.

As we start a new fiscal year in the government, I want to encourage all FLETC staff to meet the challenge of taking a close look at the circumstances surrounding these incidents, and do everything within our considerable power to turn those numbers – those injuries and deaths of our fellow officers – completely around.

As you read the wide range of articles in the FLETC Journal, I want to thank the FLETC staff who are so devoted to sharing their knowledge with others – on-Center and in the law enforcement community at large. I have often said there is no other place in the world where there's such a collection of talented and dedicated people as at the FLETCs in Glynco, Ga.; Artesia, N.M.; Charleston, S.C.; Cheltenham, Md.; and the International Law Enforcement Academies. Thank you to the talented individuals who spend endless hours putting this Journal together as a collateral duty. For over eight years that the Journal has been published, you have provided an important service to our fellow FLETC staff members and the hundreds of other trainers who are always wanting to improve training by making it realistic and mentoring the students – our next generation of law enforcement professionals.

Connie L. Patrick

Connie L. Patrick
Director

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SAFETY FIRST AND TRAINING FOR REALITY

Jeff DuPont presently serves as the Program Specialist in the Driver and Marine Division's Marine Training Branch. Since joining FLETC in 2004, DuPont has served as a Driving Instructor and as a Senior Instructor in the MTB. DuPont has over 15 years of uniformed service as a Sheriff's deputy and as a trooper with the Georgia State Patrol.

DuPont is a veteran of the U.S. Navy and also holds a U.S. Coast Guard Merchant Mariner's master's license. He has a bachelor's degree in criminal justice and is currently enrolled in the master's program at Troy University.

SIMULATION TECHNOLOGIES FOR PROTECTIVE SERVICES OPERATIONS

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He is currently a Senior Instructor with the Federal Law Enforcement Training Centers' Counterterrorism Division and is the coordinator for the Protective Service Operations Training Program.

OTC COUNTERMEASURES TECHNOLOGIES

Curtis Shane is the Chief of the Law Enforcement Technologies Branch, Technical Operations Division. He manages the following training operations: Digital Photography for Law Enforcement, Covert Electronic Surveillance, Covert Electronic Tracking, Internet Protocol Camera, Recovery of Evidence from CCTV Video Recordings, and the Basic Digital Photography and Video program.

Preceding his assignment to the LET-TOD Shane was the Chief of the Forensics Branch, Forensics and Investigative Technologies Division, where he had served as the Senior Instructor for Forensics Investigations.

Shane's law enforcement career began in 1970 when he joined the U.S. Park Police. He left the patrol branch in 1973 to help create the Identification Unit of the Criminal Investigations Branch where he served until his promotion to Sergeant, Field Offices Division, San Francisco Field Office in 1988. While assigned to the SFFO he served in various supervisory and management positions ultimately retiring as the Operations Commander in 1993. Shane was the first U.S. Park Police officer assigned to the Presidio of San Francisco as the law enforcement liaison prior to its conversion from a military installation to part of the National Park Service.

Before joining the FLETC in 1995 Shane was a forensic scientist with the Naval Criminal Investigative Service in Norfolk, Va.

MARITIME PIRACY & TERRORISM: A THREAT TO GLOBAL TRADE

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POLICE UNITY TOUR AND ICE TRAINS INTERNATIONAL PARTNERS

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FIT FOR TRAINING VERSUS FIT FOR DUTY

Charles "Skeet" Brewer has over 24 years experience with the federal government serving at the FLETC. He currently serves as the Branch Chief, Physical Techniques Division.

Brewer's past positions at the FLETC have included: Branch Chief, Health and Fitness Branch, Physical Techniques Division; Law Enforcement Program Specialist; Senior Instructor; Lead Instructor; Athletic Trainer/Instructor, in the PTD.

Dr. Bill Norris is branch chief of the Training Research Branch at the FLETC, and is responsible for identifying and developing innovative methodologies that impact law enforcement training.

Norris is a subject matter expert in the area of human performance in law

enforcement activities, developed the PEB2002 fitness guidelines, established an extensive database of fitness scores, and published numerous journal articles and a textbook. He is a certified Health/Fitness Director and Exercise Specialist through the American College of Sports Medicine.

Norris received his bachelors of science and masters of science degrees with specialization in Exercise Science from the University of Akron, and his doctorate in Exercise Physiology from the Ohio State University.

26TH ANNUAL PEACE OFFICERS MEMORIAL SERVICE AT THE FLETC

Alicia Gregory is a Public Affairs Specialist at the FLETC. She arrived at the FLETC in 2005 after 13 years as a public affairs specialist with the U.S. Army Corps of Engineers.

While with the Corps' Charleston, S.C. District, she served as the District's public affairs officer. Gregory has an extensive background in Army Public Affairs, communication techniques, and media relations.

In addition to attending the Defense Information School in Fort Meade, MD, Gregory attended Armstrong Atlantic State University and South University in Savannah, GA, where she graduated with a bachelor's of arts degree in marketing.

LEGAL CORNER: VEHICULAR SEARCH INCIDENT TO ARREST AFTER GANT

Jim McAdams retired from the Department of Justice in 2006 after 25 years of service and soon thereafter joined the FLETC Legal Division as a Senior Instructor. He graduated cum laude from the University of Miami School of Law in 1981 and from Davidson College in North Carolina in 1970. While at the DOJ, he was an Assistant U.S. Attorney and later Senior Litigation Counsel for the Southern District of Florida, where he also served as the Chief of the Narcotics Division in Miami and later as the Managing Assistant of the District's Office in West Palm Beach. In 1992, during President George H.W. Bush's administration, he was appointed by Attorney General Bill Bar as Acting United States Attorney for the Southern District of Florida. From 1994 to 1997, during the President Bill Clinton administration, he served as Attorney General on Janet Reno's Counsel for Intelligence Policy and headed DOJ's Office of Intelligence Policy and Review. He was also a member of the prosecution teams in the cases of *United States v. Manuel Noriega*, *United States v. Fabio Ochoa*, and *United States v. Hernandez, et al.*, a case against five Cuban intelligence officers convicted in Miami of espionage and murder conspiracy.



Bennett



DuPont



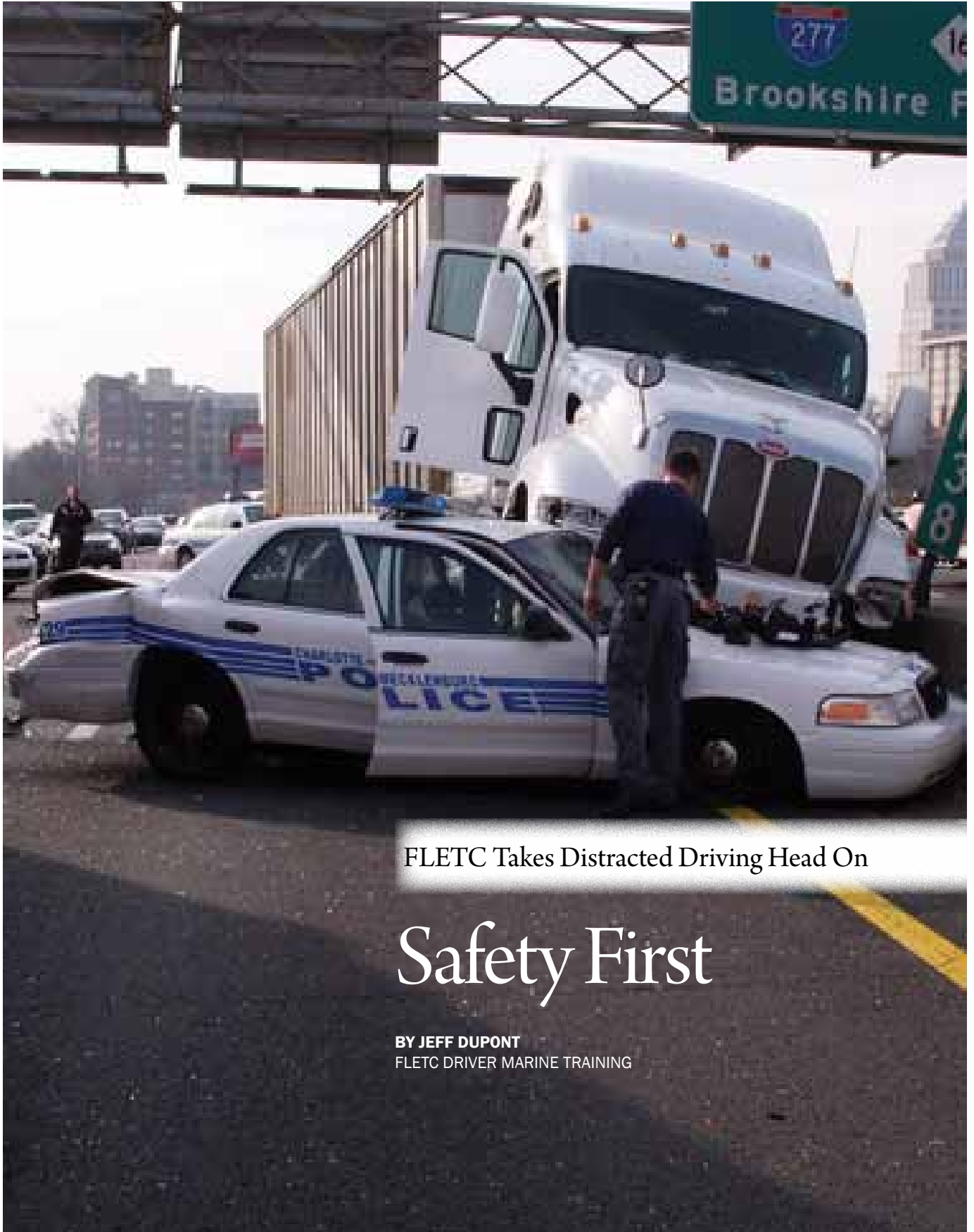
Gregory



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Traina



FLETC Takes Distracted Driving Head On

Safety First

BY JEFF DUPONT
FLETC DRIVER MARINE TRAINING

TWO MAIN FACTORS CONTRIBUTE TO LAW ENFORCEMENT CRASHES: DISTRACTED DRIVING AND POOR DECISION MAKING

“We train those who protect our homeland.”

This is the mission of the Federal Law Enforcement Training Centers. Our core values: Respect, Integrity, Service and Excellence. By combining our core values and mission statement, one can expect exceptional training when attending one of the many FLETC training programs. The FLETC has always accepted the challenge to provide the absolute best training available. In order to accomplish this task, the organization has to be attentive to the constant changes in law enforcement procedures and their application in the field. Professional trainers must recognize how changes such as policy, procedure and legal rulings can affect agents and officers. Trainers must ensure that students are proficient in their skills so that when reality kicks in and it's no longer a training scenario - they are ready. In other words, is the training being offered the best that we can give them to help fulfill their duty in the field? Does it protect officers and agents who use the training when put to the test? If a training gap or conflict is identified, how quickly can the training be modified so that our core values of Respect, Integrity, Service and Excellence are maintained?

Shortly after assuming the helm of the Driver and Marine Division at FLETC's Glyncro site, Chief Bruce P. Brown began exploring probable changes in DMD's existing training programs after a statistic in the 2010 release of the Federal Bureau of Investigation's Uniform Crime Report caught his attention. According to the report, "Motor vehicle crashes led all categories of death and injury among law enforcement officers nationwide." That single, sobering statement

set the wheels in motion for the DMD to do a self-assessment to determine if the training that was being provided was actually addressing the factors that contributed to law enforcement crashes and, "Are we doing all that we can do to save officers' lives in the field?" Brown asked himself.

Chief Brown began by assembling a working group to indentify the key contributing factors related to law enforcement motor vehicle crashes. The working group concentrated on gathering data from the top 10 crash producing states and then identifying the principal causes of law enforcement crashes through information collected from the inquires. In January 2011, shortly after the working group began its study, the National Highway Traffic Safety Administration coincidentally released its report titled "Characteristics of Law Enforcement Officers' Fatalities in Motor Vehicle Crashes." This 47-page report detailed the results of a 28-year study of law enforcement accident statistics. NHTSA investigated 1,441 law enforcement fatality vehicle crashes that occurred between 1980 and 2008. One of the most distressing statistics that was detailed in the NHTSA report stated that during the 28 year period of the study, "Law Enforcement fatalities by other than motor vehicle crashes decreased by 42% while fatalities by motor vehicle crashes increased 141%." The initial findings of DMD's working group mirrored many of the same characteristics and contributing factors that were noted in the NHTSA report. NHTSA's report was very in depth. It included information that could only be attained through the lengthy and scientific approach covering that extended period of time. NHTSA's report also included important data such as: types of vehicles, time of day, traffic patterns/density, weather conditions, roadway

MOTOR VEHICLE CRASHES LED ALL CATEGORIES OF DEATH AND INJURY AMONG LAW ENFORCEMENT OFFICERS NATIONWIDE.

conditions and types of environment, just to name a few.

In addition to the NHTSA study, Chief Brown also took note of a similar study that was conducted by the California POST Commission. The California study analyzed a 15- year period of data that was compiled by reviewing the effectiveness of simulator training and other methods of law enforcement driver training. The results of that study produced some startling results. Officers who were trained exclusively on EVOC, (emergency vehicle operator course) were credited with a 4% reduction in collisions. Officers who were trained solely on simulators demonstrated a considerably greater reduction of collisions, at 8%. But, the most noteworthy bit of information that was revealed is that officers who were trained with both methods; EVOC and simulators, proved to be the greatest beneficiaries by decreasing collision rates by 10%. With that data, Chief Brown decided to rely upon the NHTSA and California Post studies as the foundation for the reorganization and revision of much of DMD's Driver Training philosophies.

In January 2011, DMD conducted an evaluation of its own programs, which revealed that DMD did in fact offer a great deal of crash avoidance and other relative driver training, but the results of the NHTSA and California reports suggested that there were training deficiencies that did not address the two main factors contributing to law enforcement crashes: distracted driving and poor decision making. From this assessment, DMD decided it needed to address the deficiencies by adding new and innovative training to its current curriculum. With the newly acquired information gained from the two studies, Chief Brown outlined a

three-phase proposal to refocus DMD's training, ensuring priority issues were being met in all three major training programs: Criminal Investigator Training Program, Uniformed Police Training Program and Land Management Training Program.

Chief Brown explained that phase one will begin with a review of all existing simulation exercises, as well as the development of new exercises to address the area of collision avoidance between vehicles and stationary objects. Phase two will present the training scenarios to the students, focusing on the newly created exercises that will re-emphasize crash avoidance and collision survivability with the addition of proper law enforcement tactics. The phase two scenarios will also introduce common distracters such as secondary radio traffic, PDA usage, animal and pedestrian traffic, cell phones and in car computer usage. Lastly, phase three will consist of students demonstrating newly acquired simulated driving and decision making skills in actual driving exercises on one of DMD's newly renovated "combined skills" driving ranges.

The new combined skills ranges are vastly different from the previous driving ranges. DMD now features two fully operational combined skills ranges and construction has just begun for a third range, with a completion date estimated sometime early next year. The new versions each feature approximately 1.5 miles of a "rural driving" area which encompasses an additional 1.1 miles of urban driving. Each range is situated on approximately 65-75 acre tracts of land. The urban area of the course is constructed in a rectangular grid configuration and provides realistic props common to a municipal setting. Among these include: street signs, traffic signals, common roadway signs and markers, multiple roadway surfaces, as well as interstate on and off ramps. The ranges also afford the students additional challenges such as elevation and grade changes, surface variation, off-road recovery areas and an off-road 4x4 course. The newly designed programs will utilize training which will also include driving with oncoming or opposing traffic and intersection clearing with "opposing vehicles" that will be driven by DMD instructors. Students can be dispatched to various areas on the ranges to respond to some common law enforcement scenarios while

maintaining radio contact with dispatchers and other units. This training replicates real life situations that students will face upon entry into active duty. In addition to these possibilities, vehicle training in surveillance techniques such as parallel and leapfrogging techniques can also be accomplished.

The introduction of new aspects of driver training certainly will not replace many of the skills that are presently being taught in driver training programs. Skills such as high speed emergency response driving, apex driving, skid control, threshold braking and vehicle dynamics will still very much be part of the DMD curriculum. But with the completion and implementation of the combined skills ranges, the training that DMD will offer will be more comprehensive and still include the “core” vehicle handling and driving skills that are currently being taught. Vehicle dynamics are a critical element of driver training that CANNOT be simulated. Students need to feel the weight transfer of a vehicle and how it responds accordingly when placed under various stressors. DMD presently allows students to utilize the entire roadway or to drive in the opposing lane... when it is safe to do so! Permitting high speed turns while utilizing both lanes of traffic places tremendous stress on the student vehicles and it emphasizes what weight transfer actually feels like to the student driver. Whole-road driving will now be more restrictive but won't be entirely eliminated from the curriculum. The combined skills ranges now feature yellow and white centerline marks, just as one would encounter on an actual highway or interstate. Although they are often observed while driving, many drivers fail to make the distinction between the different colored centerline marks. Yellow lines separate opposing lanes of traffic while white signifies a separation of same direction traffic lanes. It will now be up to the student to determine if it will be safe to utilize the entire roadway, emphasizing good decision making.

Prior to implementing the three phase plan, a Simulator Instructor Branch was created and placed under the direction of Branch Chief Walter Burns. Creating the SIB branch and staffing it with regular, proactive staff members who have high aptitudes and passion for simulations training will increase the functionality and efficiency of the driving

simulator training, creating a better learning environment for the students. The SIB presently consists of Branch Chief Burns along with eight designated instructors. The SIB currently manages 52 driving simulators and 24 marine simulators. In addition to their duties of providing all of the simulations training, the SIB staff is also tasked with maintaining, troubleshooting, repairing, and upgrading the high-tech simulators and their associated components.

An additional advantage of maintaining a full-time simulation staff is its ability to minimize Simulator Adaptation Syndrome or SAS which is also commonly referred to as simulator sickness. SAS is similar to sea sickness in its causes and symptoms. SAS is caused by system delays between the simulator operator's command or input, and the simulator's response to that input. The body expects a certain




response in return from the student's input. If there is a deviation or lag between the input and the response, the brain becomes confused and reacts accordingly. Different people react differently from bouts of SAS. Some instructors or students do not exhibit any signs of the sickness at all. But for those who do, the most common symptoms include headache, nausea, dizziness and disorientation. SAS isn't exclusive to driving simulators and can be experienced on any type of simulation, including video games. The good news is that SAS can be

controlled. The body is able to adapt to SAS in a short period of time and is able to distinguish simulations from reality. In a sense, the body is able to recognize simulations and the brain can quickly “reboot” itself to avoid SAS. The SIB staff has already adapted to potential bouts of SAS and has created exercises for newcomers and students which gradually exposes them to simulator exercises and decreases their vulnerability to SAS.

Chief Brown stressed simulator based training is not designed to replace actual driving or to even teach a student how to drive, but first and foremost, that simulations training reinforces decision making skills. Driver simulation scenarios can develop a student’s cognitive abilities through simulated exercises, which may be difficult or impossible to recreate in actual driving scenarios. Simulation exercises can also recreate actual events that have occurred in the field and students can be trained in an identical, but simulated version of a real incident. The simulators are unique in the sense that training can be accomplished without the risk of injury to students or staff, or a risk of damage to vehicles or other property. With simulation training, the student gets more “wheel time” without increased wear and tear on the training vehicle fleet. In addition to minimizing risk management and reducing the environmental impact of other traditional training methods, simulation training also offers a valuable training tool partly because of the capability for the instructional staff to instantly replay a student’s recorded training scenario for critique and evaluation, which offers a much more thorough after-action report.

**LAW ENFORCEMENT FATALITIES
BY OTHER THAN MOTOR VEHICLE
CRASHES DECREASED BY 42%
WHILE FATALITIES BY MOTOR
VEHICLE CRASHES INCREASED 141%.**



The newly formed SIB will bring the driving simulators under the same roof as the marine training simulators, presently being managed by Senior Instructor John Floyd. The marine simulators have already been successfully integrated into two of the Marine Training Branch programs and have been well received by many of the students who have completed one or more of the MTB training programs. As with the driving simulators, the marine simulators do not replace actual boat driving skills. They are primarily utilized for reinforcement of navigational rules, aids to navigation, multi-boat operations, anti-terrorism training, RADAR, GPS, chart plotters and vessel intercepts. Floyd explained that the marine simulators have the capability of performing exercises on many geographical databases from around the world. This is extremely beneficial to agents or officers deploying overseas or to a new area of operation. It allows the student to be able to actually train in the waters they will be patrolling before going there. If no geographic database exists in the contractors’ library, one can be built very accurately and realistically. Such was done for the Marine Training Branch’s area of operation in Brunswick, Ga. 2,800 detailed digital photographs were imbedded into the database for realism. In addition to the Brunswick database, staff re-created two of the MTB’s actual training vessels which the students can drive while in the simulator laboratory before they drive those vessels on the water.

Another great attribute of both the marine and driving simulators is the ability to recreate any weather scenario. The SIB instructors are able to change the environmental conditions of any exercise that is utilized. Identical exercises can be performed during simulated daylight, darkness, rain, snow, or any other conceivable atmospheric conditions. This capability is extremely beneficial to the marine program students as sea conditions for various exercises are able to be manipulated from dead calm to gale force winds. In addition to having the capability to modify the environmental conditions, Floyd explained that the databases include an almanac of that area. Whenever an exercise is created on a given day and time, the sunrise, sunset, moonrise, moonset, moon phase, star configuration, tides and currents are exactly as they would be in that

SEE SAFETY PAGE 41

OTC Technical Surveillance Countermeasures

and the Dangers to Law Enforcement Officers

BY CURTIS SHANE
FLETC LAW ENFORCEMENT TECHNOLOGIES

Today's theatrical and television productions depict all types of electronic surveillance technologies used by law enforcement and security agencies throughout the world. The capability of the technology is greatly embellished at times in order to achieve the writer's or director's desired effect and grab the viewers' attention.

Additionally, the public is continually bombarded with commercials for GPS tracking software, apps and devices to use for tracking children and cars. Whether or not the technology has the capability that is depicted or advertised, it has sensitized everyone to the abilities of electronic surveillance. This public consciousness can cause complications for law enforcement personnel who use electronic surveillance technology during an investigation.

As an example a Google Internet search for "spy gadgets" returned over 8 million results in 0.16 seconds. Hidden cameras, hidden recorders, document scanners, keyloggers and other devices lead the criminal element to believe that law enforcement routinely uses these in all investigations. Frequently, on the same web site as the spy gadgets, companies list their counterspy gadgets.

These counterspy gadgets are the devices criminals purchase in an attempt to thwart law enforcement surveillance. One web site even



TOP: A frequency detector is an electronic "bug detector" that will act as frequency sweepers. If any operating RF transmitting devices are detected the device will tell you in which frequency the bug is operating. ABOVE: A field strength meter is an easy-to-use meter. It shows the strength of the actual field being radiated from an active RF antenna. You can use it to determine the basic radiation pattern of your antenna and see which direction your signal is strongest. You can make changes to your antenna and instantly know if it radiates better.

The Hidden Camera Detector/ Locator uses optical augmentation; a phenomenon whereby light reflected from a focused optical system, such as a camera lens, is reflected along the same path as the incident light. If a lens is illuminated and viewed with the Camera Finder, then a strong reflection from the target camera will reveal its position to the user.



IN MOST CASES THESE SITES DO NOT SELL THE SAME QUALITY OF EQUIPMENT USED BY LAW ENFORCEMENT, OR MORE SO, SHOULD NOT BE USED BY LAW ENFORCEMENT.

advertises that the equipment they sell is the same “spy equipment used by the police, military and other government agencies and is now available for you to purchase.” And then they list devices to detect their own equipment.

In most cases these sites do not sell the same quality of equipment used by law enforcement, or more so, should not be used by law enforcement. The equipment is often inferior in workmanship, does not meet the requirements of the Federal Communications Commission or conform to acceptable law enforcement standards.

The concern that law enforcement has is that the criminal element believes the detector devices work. They purchase them and if during an investigation law enforcement personnel are not conscious of countermeasures that may be in play, and may be using substandard equipment, it can create officer safety concerns.

Therefore, it is incumbent that the agency take great effort during pre-operational planning to be aware of the latest intelligence, determine if the target uses any type of countermeasure device for electronic surveillance and act accordingly. We can never depend on the “over the counter” countermeasure devices to be

ineffective against our surveillance equipment.

The Federal Law Enforcement Training Centers’ Technical Operations Division, Law Enforcement Technologies Branch will make a presentation at the International Association of Chiefs of Police on these issues and others facing technical investigations. The presentation will emphasize open market technical surveillance countermeasures that can be purchased and deployed by the criminal elements while providing training methodologies used by the FLETC for countermeasure operations. The presenters will provide IACP attendees the opportunity to see and interact with some of the popular items used by those attempting to obstruct technical operations through countermeasures equipment.

Presenting for FLETC will be Curtis Shane, the chief of the Law Enforcement Technologies Branch, TOD, who has been in federal law enforcement for more than 40 years and Ken Wagoner, a senior instructor and program coordinator for the Covert Electronic Surveillance and Tracking programs. Mr. Wagoner has been involved in technical operations for more than 30 years.

Latest Simulation Technologies

FLETC to hold IACP CBT Learning Labs for Protective Service Operations

BY LLOYD BROADWATER
FLETC COUNTERTERRORISM

The IACP learning laboratory presentation, Protective Service Site Considerations for the Law Enforcement Officer in 3-D, introduces the latest simulation technologies to law enforcement personnel performing protective service operations. Site Advances -- the security preparation done in advance -- are a vital component of protecting a VIP/principal. Subject to the level of security needed and complexity of the location, site advances can involve months of planning and coordination with various law enforcement agencies, staffers, host governments, and local officials. Advances may also be conducted on very short notice, at times with the motorcade's arrival only minutes away. Critical elements will need to be addressed in any site advance and some examples are: arrival and departure points, access control, layers of security, evacuation routes, and emergency response. Compiled either in formal site surveys, comprehensive checklists, or hastily written on the back of the principal's itinerary, the requisite information must be in-depth and accurately conveyed to the respective security and police elements.

In Protective Service Site Considerations for the Law Enforcement Officer in 3-D, computer-based training will provide the IACP attendee with a foundation in site security advances. Many of those elements mentioned above, arrival and departure points, evacuation routes, etc., will be applied to an actual site in virtual reality, e.g. a hologram. The hologram in use is the latest in simulation technology -- developed for US military combat operations. This technology is well suited to protective service operations as it is very durable, easily transported and requires only a conventional, overhead light source to produce a three-dimensional effect. The Protective Service Operations

Training Program coordinator facilitates this learning laboratory.

Because much of the IACP course material comes directly from the Protective Service Operations Training Program, some details of this extensive training program merit special note. The PSOTP is a unique, eleven-day protective service training program conducted by the top professionals in the field at the Federal Law Enforcement Training Center, Glynco, Ga.

In this intense program, the student progresses from forming simple walking formations to conducting detailed site advances. Many hours are dedicated to vehicle and motorcade operations, as well as cover and evacuation exercises often using SUVs to obtain the required realism. These exercises drill the student in emergency response, utilizing over twenty role-players following carefully scripted scenarios. An after-action review is then conducted using a state-of-the-art digital recording system in a venue tailored to PSO specific training requirements. The PSOTP also covers weapons of mass destruction threats, emergency medicine, overseas operations, and firearms training. Training culminates in students running a six-agent PSO detail in a real-world environment.

The strength of the program is derived from unmatched training venues and a highly experienced teaching staff. The teaching staff includes instructors from the Diplomatic Security Service, United States Secret Service, and Air Force OSI. The PSOTP is continually evolving and seeks to implement the most effective training practices and input from former students, active PSO details, and members of the Protective Services Working Group.

Online Crimes and Internet Investigations

What Law Enforcement Executives Should Know and Expect

GREG KING

FLETC FORENSICS

AND SPECIAL INVESTIGATIVE SKILLS

Today's Law Enforcement Executive must be aware of and prepared to respond to crimes committed in cyber space. Understanding the basic core principles of internet and online investigations gives the LEE the advantage when directing cyber investigations. Here are two scenarios:

A parent's nightmare comes to life - upon returning home they discover their teenage child did not attend school and has not come home. As they enter the child's room, they notice an open email account and it is clear the child has gone to meet someone he or she has met online. More frightening is that it appears this person has traveled from out of state and intends to take their child back.

Economic times are tough. The average person has seen a real decrease in disposable income. Looking for ways to ease the burden, they explore new ways to generate extra income. While searching the Internet, they discover a new online company which promises a way to earn extra income while working from home. Even better, it only requires "a small investment," but promises a large return. This company has posted numerous testimonies from people touting the successes they have had with this company. After chatting with an online representative, the required forms are completed and funds are sent. Weeks go by and after trying to contact the company it becomes clear, an Internet scam

has occurred.

The two scenarios described above are ripped out of today's headlines and can occur anywhere. The perpetrators can be around the corner or hundreds of miles away. Either of the two scenarios may come to the attention of LEEs through citizen complaints or heightened media attention. As LEEs, you rely on people in your department to handle a variety of situations appropriately, but it is ultimately your responsibility to ensure these situations are handled effectively and professionally.

The Internet, like no other device, has impacted our communities giving the average citizen access to the world and the world access to the citizen. The internet has also given birth to a new category of criminals, commonly referred to as "cyber criminals" who have found new hunting grounds and victims on whom to prey.

The first thing the LEE should realize is that cyber space has a very simple concept. That concept is that people are physically connected to devices and performing tasks. It is no different than the typical criminal environment and crime scene. The crime scene, the acts and the actors must be identified. Immediately, steps should be taken to ensure the acts cease and efforts are taken to apprehend the perpetrators.

The LEE must ensure the digital crime scene has



A law enforcement officer works online to identify cyber criminals using a process similar to other investigative efforts used to identify criminals, gather data, examine evidence and locate possible suspects.

been secured. In the digital world, this will be at least two separate locations and possibly more. Most often, the investigating officers will only have immediate access to the victim's computer, so steps to secure that environment **MUST** occur right way. Today's Online Investigators and Computer Forensic Examiners have a number of investigative tools at their disposal: all of which will be useless if the digital crime scene is not properly secured. Frontline officers can be taught in a matter of days how to properly secure a digital crime scene. The LEE will find this investment in training well worth the time and expense.

Identifying cyber criminals is a process similar to other investigative efforts used to identify criminals, gather data, examine evidence and locate possible suspects. The internet is a complex collection of entities, all of whom play a part in its successful operation. As such, there are identifiable artifacts that assist the investigator. Understanding how the artifacts are generated and stored is a key component when operating in a digital environment. One way to identify cyber criminals is through active online investigations.

There is a delicate balancing act to consider when conducting online cyber investigations. Locating suspects may necessitate making multiple, covert or undercover contacts with online subjects. Once

identification is made, the LEE and investigating officers must weigh the need to further the investigation with the possible adverse effects on the public. In other words, if the suspect is not immediately stopped, he or she will remain "active" until the investigation is finished. Regardless, once a suspect(s) is identified, the LEE must be able and willing to work with other jurisdictions and agencies to successfully apprehend the suspect(s). Rarely will a suspect operate in only one geographic area.

The Federal Law Enforcement Training Centers' Investigative Operations Division (IOD), Financial Fraud Institute will make a presentation at the International Association of Chiefs of Police on these issues and others related to identifying cyber criminals and conducting online cyber investigations. The presenter will provide hands-on exercises that outline the anatomy of an online investigation as well as tracing e-mails.

Presenting for the FLETC will be Greg King, a Senior Instructor at the FLETC, who has over 28 years of law enforcement experience with the Cleveland Police Department where he last served in the Intelligence Unit as a Computer Forensic Examiner. Greg has testified on the federal, state and local level as an expert witness as it relates to cyber and online crimes and computer forensics.



The lifeboat from the Maersk Alabama is recovered after its crew is rescued. U.S. Navy/Department of Defense photo.

A Threat to Global Trade

BY DOMINIC TRAINA
FLETC INTEGRATED TRAINING



Maritime piracy and terrorism has been a nuisance to sea commerce since trade first began. Although piracy has always existed, it has been a cyclical burden. History has shown that piracy has been eradicated in certain regions only to reappear in other areas. The concern today of course is the link between piracy and international terrorist organizations such as Al Qaeda or its network of affiliates. Recently, there has been a dramatic increase in piracy that has caused concern for not only the shipping industry but for all states that rely heavily on trade, specifically the shipments of oil from the Middle East. The most obvious concerns are for vessels that traverse through regions such as the Gulfs of Oman and Eden or strategic chokepoints such as the Straits of Hormuz and Malacca.



ABOVE: Suspected pirates in the Gulf of Aden are detained by a U.S. Naval search and seizure team. U.S. Navy/Department of Defense photos.

Since its infancy the United States has always had issues with piracy and as the world's largest trading partner has taken a leading role amongst the international community to thwart maritime piracy and its links to terrorism. The National Strategy for Maritime Security notes that, "more than 80 percent of the world's trade travels by water and forges a global maritime link. About half the world's trade by value, and 90 percent of the general cargo, is transported in containers. Shipping is the heart of the global economy,"¹ therefore, it is imperative that a multilateral approach to policing the sea lanes continues to flourish. Open sea lanes of communication are critical to fueling the global economy. This is known to Al Qaeda and other fringe organizations. These nefarious organizations have a maritime agenda, yet they have no navy and must employ asymmetrical attacks on shipping to cause havoc on global commerce. The U.S., through the theories of great naval thinkers of the past, has focused on controlling the sea lanes for trade and will have to continue to assist its allies in regions to ensure that trade is not hindered on the high seas or at any of the many critical chokepoints throughout the world. The globalized economies of all states depends upon unrestricted access to the sea in order to experience continued economic growth.

BRIEF HISTORY ON MARITIME PIRACY

The earliest documentation of piracy dates back to

the thirteenth century, but many scholars have noted that piracy took place when trade first began on the Mediterranean Sea with the ancient Greeks and Phoenicians. The Barbary Pirates committed the first acts of piracy that threatened merchant ships from the United States shortly after the new nation was formed. The Barbary Pirates acted with impunity for several centuries, mainly in the western Mediterranean, but also operating as far north as Iceland and into South America, seizing ships, raiding coastal towns and enslaving Christians for Islamic markets in North Africa and the Middle East.

The states within the Barbary Coast in North Africa in the late 1700's began impeding the flow of commerce for American ships, attacking and holding crews for ransom. The newly formed United States agreed to pay tribute for the safe passage of its vessels to the states of Tunis, Tripoli and Algiers. Over time, the U.S. became disgusted with the extortion and Thomas Jefferson ordered the newly conceived U.S. Navy to the area in order to assist in the safe passage of U.S. merchant vessels and to battle the pirates. The U.S. Navy formed a blockade on the Barbary Coast and after several naval battles, and some land action that involved the U.S. Marine Corps in the Battle of Tripoli, the pirates negotiated a peace settlement in 1805. This peace settlement was actually a pause in the conflict which increased again throughout the War of 1812 and was not fully resolved until 1815.

Shortly after the U.S. resolved this ongoing conflict,



BELOW U.S. Naval search and seizure teams close in to apprehend suspected pirates in the Gulf of Aden. ABOVE LEFT: Map shows part of the Arabian Sea, Indian Ocean and Somali coast known for its pirate activity. ABOVE RIGHT: The lifeboat from the Maersk Alabama is hoisted aboard a U.S. Navy ship. U.S. Navy/Department of Defense photos.

British and Dutch Navies were dispatched to ensure that Algiers would no longer threaten their shipping and to abolish Christian slavery in North Africa. This action finally ended the threat to shipping in the region, and commerce could flow without many threats of enslavement or extortion. Although Naval action was the key element to defeating the Barbary pirates' land attacks by the Marines and a bombardment of Algerian forts by British and Dutch Naval vessels ultimately caused the pirates to capitulate.

American commerce and seaman were also threatened in the Caribbean and the Gulf of Mexico by pirates for much of the 18th century as well as a good part of the 19th century. The most well known pirate, Blackbeard, mainly operated throughout the Caribbean and often threatened vessels off of the eastern seaboard of the American colonies. Another infamous pirate, Jean Lafitte concentrated his attacks in the Gulf of Mexico in the early 1800s. Jean Lafitte had even fought alongside General Andrew Jackson in the War of 1812 at the Battle of New Orleans. Other engagements involving piracy took place in East Asia with Chinese pirates that were suppressed by the Royal Navy and the U.S. Navy in the 1860s. Since the late 1800s, piracy has not had a noteworthy affect on U.S. foreign policy or threatened its economic growth.

Presently, modern pirates primarily threaten vessels in the Horn of Africa, Straits of Malacca, South China Sea and near the Niger Delta. Most piracy is a part of an organized criminal enterprise in regions that suffer from lawlessness. These groups are solely focused on financial gain. These areas suffer from corruption in both the private and public sector. Corrupt officials share equally in the breakdown of any rule of law. A perfect example is the state of Somalia which has not had a central government for over two decades. The concern of modern piracy is the possible nexus with maritime terrorists and of the devastating effect on the global economy if strategic chokepoints were simultaneously attacked. States such as Somalia are a haven for international criminals as well as international terrorist organizations.

MARITIME TERRORISM

Maritime terrorists have found that piracy can potentially fund other efforts or possibly assist in the planning of future terrorist attacks on

one of the many chokepoints that oil transits through to fuel the global economy. Estimates vary from \$18 million to \$30 million collected by maritime pirates or terrorists operating in the lawless failed state of Somalia.² This is a miniscule amount when one takes into account that the world's import and export volume are well into the trillions of dollars, yet this amount is significant for pirates or terrorists, who will use these funds for future operations.

Despite the rarity of maritime terrorism there have been several successful attacks by Al Qaeda. The USS Cole was attacked in 2000, killing 17 seamen. The French oil tanker MV Limburg was attacked off of the Yemen coast, and the Abu Sayyaf terrorist group caused an explosion on a ferry in the Philippines that killed over a 100 people.³ Although the attacks are rare, Al Qaeda does show a major interest in maritime attacks. Evidence discovered on videos found in Afghanistan shows that terrorist organizations have an "interest in developing technological, tactics and techniques for conducting maritime terrorist operations."⁴ Increases in security, law enforcement investigations, and operational security plans have hampered the terrorist maritime strategy. Yet one should never discount the creativity of Al Qaeda. Having used airplanes, loaded with passengers as smart bombs, on 9/11 should remind us of the asymmetrical attacks that the global community must be prepared to meet.

One of the scenarios reported by The Cutting Edge News is the possibility of a weapon of mass effect being placed in with legitimate cargo. The other scenario as equally as frightening is if terrorists seize control of a vessel and use it in an assault. In 2003, near the coast of Sumatra, an island in western Indonesia, attackers boarded the chemical tanker Dewi Madrim and took control of the vessel steering different courses before departing with cash, equipment and technical documents. In addition, the captain and first officer were taken and are still missing. This incident is somewhat reminiscent of the 9/11 hijackers and their efforts to learn how to fly planes. These attackers were not just typical pirates. They were well trained for this coordinated attack. According to Jane's Terrorism and Security Monitor, many in the intelligence community believe that preparations for seaborne assaults are in the final stages.



TOP: The MV Faina, a Ukraine cargo ship is boarded by Somali pirates. The ship, its crew and its cargo of 33 Soviet-era T-72 tanks is eventually released. ABOVE: Somali pirates stand on the deck of the Faina after U.S. Navy personnel request to check the health and welfare of its crew. U.S. Navy/Department of Defense photos.

The threat from maritime terrorists and the closure of maritime chokepoints will continue to be one of the greatest threats to derailing the global economy. It should not be forgotten that the objective of the late Osama bin Laden, was to concentrate on the destruction of the American economy. Al Qaeda's modus operandi will be to continue to focus on asymmetrical attacks that will plague the global economy.

ECONOMIC IMPACT OF SEA LINES OF COMMUNICATION (SLOC)

Some of the world's most important shipping chokepoints are located in many of the world's most volatile regions. These areas include the Suez Canal, Bab-el-Mandeb Strait, Strait of Hormuz and the Strait of Malacca. In 2007, according to the United Nations Conference on Trade and Development, seaborne trade surpassed 8 billion tons an increase of 4.8% with much of it being transported through these unstable regions.

It is no secret that Al Qaeda is aware that a

successful attack in any one of these areas would cause oil prices to surge and this would wreak havoc on the global economy. An example of this was the Iran Iraq War in which a barrel of oil went from \$14 in 1978 to \$35 a barrel in 1981.⁵ The Iran Iraq War had a significant impact on the production and the movement of oil. Both states had a serious decline in their oil production due to the conflict as well as causing disruptions in the Strait of Hormuz, which according to the U.S. Energy Information Administration accounts for one fourth of the world's oil flow. Both states attacked each other's tankers as well as neutral tankers as they passed this strategic chokepoint on their way to the Persian Gulf and then on to the Indian Ocean. Any tension that takes place in the Persian Gulf region has immediate consequences on the global economy. The possibility of oil prices doubling as they did in 1978 could be catastrophic to the recovering global economy.

Maritime shipping attacks near the chokepoints that have been noted are increasing primarily because in the lawless regions, near the Gulf of Aden, local gangs and terrorists have found piracy to be a lucrative opportunity to exploit the shipping industry. Seaborne commerce accounts for over several trillion dollars in the movement of goods. Therefore, the hijacking and demanding of ransom for vessels and crews is profitable when the pirates are paid several hundred thousand dollars or millions for their efforts.

The true cost to maritime piracy or terrorism is in the expenses of shipping companies who must increase security, take longer routes that delay shipping and cause operating expenses to increase. Moreover, some vessels have been seized and never returned and their crews have never been found. All of this has caused skyrocketing increases in insurance for shipping and cargo, and these added expenses will trickle down to the global consumers of products transiting the global waterways. According to the International Maritime Bureau, worldwide piracy has increased by 11% this past year.⁶ A poor global economy and opportunities that terrorist organizations are pursuing to finance operations or prepare for an attack in a strategic chokepoint are the most plausible explanations for this increase.

RELEVANCE OF SEA POWER AND FREEDOM OF THE HIGH SEAS

If the cost of piracy is not that significant why is there such a concern? Piracy is a nuisance to commerce and any hindrance to the vital sea lanes that bolster the global economy is a cause for concern. More importantly is the nexus of maritime terrorists, who could simultaneously shut down vital choke links for trade.

The founding father of the modern day Navy and first President of the Naval War College, Captain Alfred Thayer Mahan, preached that navies exist to protect maritime commerce. He declared that "commerce thrives by peace and suffers by war. It follows that peace is the superior interest." Therefore, the key to global economic growth is to have secure sea lanes. Mahan, who is considered to be one of America's greatest geopolitical thinkers, emphasized this through his work, which was a study of the rise of the British navy, *The Influence of Sea Power upon History*. This piece noted that sea power is primarily concerned with war at sea, shipbuilding, commercial shipping, naval bases, and training personnel.⁷ Furthermore, sea power today can mean even more. It includes under sea resources such as fuel and fishing and many other forms of commerce and communications that link states. The conflict that took place with the Barbary Pirates and the naval forces of the United States are the earliest engagements in which later theories of Mahan would assist U.S. policy makers in promoting that the economic growth of the United States depends upon the security of the sea lanes. This has not changed as piracy and terrorism are ubiquitous and will continue to be present well into the foreseeable future, since most of the world's trade takes place by sea.

Following World War II, the United States has become an economic powerhouse mainly because of its naval pre-eminence in all of the globe's five oceans. Securing the sea lanes has always been the primary role of naval forces and never before in history has one state been able to project global sea power as the U.S. does today. The National Strategy for Maritime Security notes that "the safety and economic security of the United States depends upon the secure use of the world's oceans."⁸ The economic security of trade has become a global concern for safety

SEE PIRACY PAGE 42



Police Unity Tour

BY DANIELLE BENNETT

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

TAMPA, Fla. – When asked why she participates year after year in a grueling bicycle trek known as the Police Unity Tour, or PUT, Special Agent Ellen Pierson, with U.S. Immigration and Customs Enforcement’s Homeland Security Investigations, says, “It’s not about riding a bicycle for 250 miles. I believe with the right training anyone can do that. It’s about knowing that another law enforcement officer won’t be going home to their family ever again – that it could have been any one of us.”

What made this year even more special for Pierson, who has participated for the past 10 years, is that she helped to train Cindy Roberts, the wife of Tampa Police Department Officer Cpl. Mike Roberts who was killed in 2009, to make the ride for the first time.

Pierson first met Cindy at a hockey game and fundraising event for PUT. Pierson said she later called Cindy and asked her if she wanted to ride with the group. When she started, Cindy was barely doing 12 miles, according to Pierson, but now she is ready for the challenge.

“I will help Cindy anyway I can to ride every mile of the ride,” said Pierson. “If she has a mechanical issue with her bike, I will gladly give her mine. We will make sure she makes it.”

To participate in PUT, riders must be a sworn or retired law enforcement officer or a “survivor,” meaning



The 2011 ICE Police Unity Tour team pose before their 250-mile journey. Ellen Pierson and another rider talk strategy for the ride ahead. *U.S. Immigration and Customs Enforcement photos*

“... It’s about knowing that another law enforcement officer won’t be going home to their family ever again – that it could have been any one of us.”

*Ellen Pierson
Special Agent, ICE*

someone who lost an immediate family member in law enforcement.

The Tampa Bay group included Pierson and 37 other law enforcement officers from Tampa Police Department – including Police Chief Jane Castor, the Florida State Attorney’s Office, Hillsborough, Pasco and Hernando County sheriff’s offices, and the St. Petersburg and Largo police departments. And now, Cindy.

Every year, PUT members are presented with a memorial bracelet engraved with a fallen hero’s name,



Cindy Roberts meets the other ICE riders as they prepare to start the 250-mile journey.

agency, and end of watch date. All 162 officers who died in the line of duty in 2010 will be honored by a PUT member during this year's ride. Each PUT member also contacts the agency and/or the family to let them know they are honoring their loved one.

"I think when you receive the bracelet and place it on your wrist, it really sinks in why you are there," said Pierson. "Most of the officers that ride know at least one officer on the NLEOM (National Law Enforcement Officer Memorial). I have nine friends on the wall, including one I rode a bike with in 2009. Officer Rich Matthews was supposed to ride in the PUT in 2010. He died in a car accident in February that year."

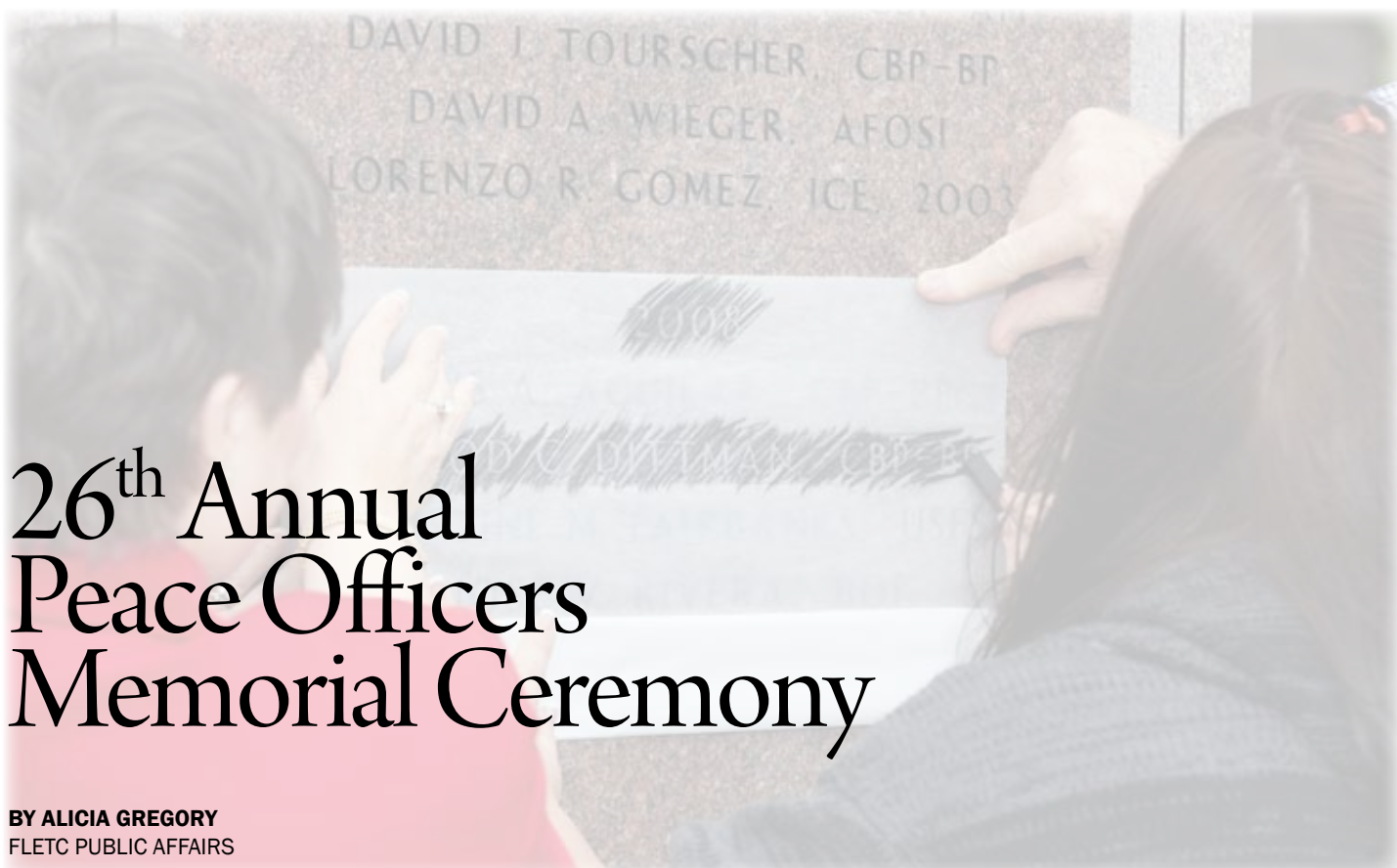
Pierson has ridden in honor of both friends and officers she has never met from far away states. "I think it is important that the families know that officers from all over the United States are honoring their loved one. I also like to honor officers who passed prior to 2010. I think the families need to know that we will not forget

their loved ones."

This year, Pierson rode in honor of Cpl. Betty Dunn Smothers, the mother of National Football League player Warrick Dunn. "I admire Mr. Dunn for all he has given back to the community," said Pierson.

Pierson rode from Jacksonville, Fla. on April 30th with a small group of about six fellow law enforcement officers to the Federal Law Enforcement Training Center in Glynco, Ga. From there, the group joined a larger group who participated in the long bike ride from FLETC to Chesapeake, Va. From that spot, the group officially became part of the Police Unity Tour, which culminated at the National Law Enforcement Officers Memorial in Washington, D.C. on May 12, 2011.

Next year, she will wear a bracelet for ICE HSI Special Agent Jaime Zapata, killed in Mexico in February. "I did not know SA Zapata but I will be proud to ride in his honor in 2012," she said.



26th Annual Peace Officers Memorial Ceremony

BY ALICIA GREGORY
FLETC PUBLIC AFFAIRS

The Federal Law Enforcement Training Centers held its 26th annual Peace Officers Memorial Ceremony Wednesday, May 18, 2011, 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 and Sheriff's Office, Georgia State Patrol and Georgia Department of Natural Resources. More than 200 FLETC and Partner Organizations staff, community members, congressional staffers, students and family members attended the morning ceremony.

This year, six names were engraved upon the FLETC Graduates Memorial, bringing the total to 178 since the establishment of FLETC in 1970. Those honored this year were U.S. Customs and Border Protection Office of Field Operations Officers Charles Collins and John Zykas; Office of Border Patrol Agents Michael Gallagher, Brian Terry, and Mark Van Doren; and U.S. Forest Service Officer Christopher Upton.

FLETC Director Connie Patrick introduced the keynote speaker Assistant Commissioner Thomas Winkowski, U.S. Customs and Border Protection Office of Field Operations, and welcomed the full auditorium to

the solemn ceremony.

"Each (person honored) served a cause greater than themselves. They put their duty above their own personal safety, and, for that, a grateful nation remembers," said Assistant Commissioner Winkowski.

The ceremony included the reading of the FLETC graduates honor roll of names by FLETC Assistant Director Michael Hanneld. Brunswick Police Chief Tobe Green read the state and local agencies honor roll of 40 names from area law enforcement agencies. The ceremony honored Brunswick Police Officer Horace E. Thompson, killed in the line of duty in 1894 but only recently recognized through historical research.

The CBP Honor Guard presented and retired the Colors while agency representatives from USFS and CBP placed a wreath at the memorial in recognition of the fallen officers at the conclusion of the ceremony.

"The FLETC Graduate Memorial is a permanent reminder of the ultimate sacrifice made by our officers and agents. Each of the names carved in granite will not be worn down by wind, rain or time, and through our ceremony each year we will continue to honor and remember them," stated Director Patrick.

A full listing of the FLETC Graduate Memorial is on pages 26-27.

Bureau of Alcohol, Tobacco, Firearms and Explosives

- Eddie Benitez
- Conway C. LeBleu
- Johnny A. Masengale
- Todd W. McKeehan
- Kimberly D. Place
- Ariel Rios
- David E. Sullivan
- Robert J. Williams
- Steven D. Willis

Bureau of Indian Affairs

- Michael G. Miller
- Defford Oyebi
- Creighton T. Spencer

Bureau of Prisons

- Daniel J. Bryer
- Robert F. Miller
- Jose V. Rivera
- Gary L. Rowe
- D'Antonio H. Washington
- Alfredo D. Williams
- Scott J. Williams

Department of Agriculture

- Nelson R. Harmon

Department of Housing and Urban Development

- Paul Broxterman

Department of Justice - Office of the Inspector General

- William "Buddy" Sentner III

Department of State

- Patrick J. Henry
- Ronald A. Lariviere
- Daniel E. O'Connor

Diplomatic Security Service

- Edward J. Seitz
- Stephen E. Sullivan

Drug Enforcement Administration

- Arthur L. Cash
- Thomas J. Devine
- Rickie C. Finley
- Richard Heath, Jr.
- Hector Jordan
- George M. Montoya
- William Ramos
- Raymond Stastny

Environmental Protection Agency

- David R. DeLitta
- William T. Parr

Federal Protective Service

- Robert P. Dana
- Michael J. Doyle
- William J. Martin
- Ronald C. Sheffield
- Robert W. Yesucevitz

Immigration and Naturalization Service

- Ernest Bowman
- Tommy K. Chin
- Robert F. Jenkins, Jr.
- Anthony S. Minetto
- Juan G. Reyes-Orellana
- Robert M. Smith

Internal Revenue Service

- David H. Feick
- Richard I. Luht, Jr.
- Robert E. Rorrer
- Howard R. Stuart-Houston

National Park Service

- Kris Eggle
- Joseph D. Kolodski
- Robert E. Mahn, Jr.
- Steve R. Makuakane-Jarrell
- Duane P. McClure



- Robert L. McGhee
- Thomas P. O'Hara
- Daniel P. Madrid

Naval Criminal Investigative Service

- Douglas B. Kocina
- Jerry W. Kramer
- Thomas P. Marzilli

Pentagon Force Protection Agency

- James M. Feltis, III

Tennessee Valley Authority

- Timothy P. Huckaby

U.S. Air Force Office of Special Investigations

- Ryan A. Balmer
- Matthew J. Kuglics
- Daniel J. Kuhlmeier
- Nathan J. Schuldheiss
- David A. Wieger

U.S. Capitol Police

- Jacob J. Chestnut
- Christopher S. Eney
- John M. Gibson
- James A. Griffith

U.S. Customs Service

- Renault R. Bayhi
- Charles J. Bokinskie
- James A. Buczel
- David L. Crater
- David E. DeLoach
- Gary P. Friedli
- Paul D. Ice
- Alan J. Klumpp
- Richard M. Latham
- Timothy C. McCaghren
- Claude A. Medearis
- Glenn R. Miles, Sr.



- Pedro J. Rodriguez
- George R. Saenz
- George J. Spencer
- Carl R. Talafous
- James D. Taylor
- Manuel VII Zurita

U.S. Customs and Border Protection Air and Marine

- Julio E. Baray
- Robert F. Smith
- Clinton B. Thrasher

U.S. Customs and Border Protection Border Patrol

- Luis A. Aguilar
- Travis W. Attaway
- Jefferson L. Barr
- Eric N. Cabral
- Charles F. Collins II
- George B. DeBates
- Jarod C. Dittman
- Roberto J. Duran
- James P. Epling
- Michael V. Gallagher
- Richard Goldstein
- Nicholas D. Greenig
- Eloy Hernandez
- Catherine M. Hill
- Daniel M. James, Jr.
- John D. Keenan
- Alexander Kirpnick
- Xavier G. Magdaleno
- Josiah B. Mahar
- Miguel J. Maldonado, Jr.
- John R. McCravey
- Cruz C. McGuire
- Jose A. Nava
- Ramon Nevarez, Jr.

- Victor C. Ochoa
- Jesus De La Ossa
- Walter S. Panchison
- Jason C. Panides
- Susan L. Rodriguez
- Robert W. Rosas, Jr.
- Manuel Salcido, Jr.
- Norman Ray Salinas
- Ricardo G. Salinas
- Luis A. Santiago
- Robert F. Smith
- Brian A. Terry
- Stephen C. Starch
- Stephen M. Sullivan
- David J. Tourscher
- Mark F. Van Doren
- Aurelio E. Valencia
- David Villarreal
- David N. Webb
- Joseph R. White
- Thomas J. Williams
- Jeremy M. Wilson
- John R. Zykas

U.S. Fish and Wildlife Service

- Richard J. Guadagno
- Douglas J. Morris
- Thomas P. Cloherty

U.S. Forest Service

- Stephen A. Bowman
- Kristine M. Fairbanks
- Brent K. Jacobson
- Michael R. Smith
- Michael L. Staples
- Christopher A. Upton

U.S. Immigration and Customs Enforcement

- Lorenzo R. Gomez
- David G. Wilhelm

U.S. Marshals Service

- Bucky E. Burke
- Robert S. Cheshire, Jr.
- William F. Degan, Jr.
- Roy L. Frakes
- Peter P. Hillman

U.S. Mint

- Ted M. Shinault

U.S. Park Police

- Hakim A. Farthing
- Ricardo M. Preston

U.S. Postal Service – Office of the Inspector General

- Greg R. Boss

U.S. Secret Service

- Donald A. Bejcek
- Cynthia C. Brown
- Richard T. Cleary
- James S. Collins
- Daniel M. Connolly
- Julie Y. Cross
- Scott E. Deaton
- Hector L. Diaz
- J. Clifford Dietrich
- Phillip C. Lebid
- Donald R. Leonard
- Mickey B. Maroney
- Manuel J. Marrero-Otero
- Donald W. Robinson
- James M. Ryan
- Stewart P. Watkins
- Alan G. Whicher



OPPOSITE PAGE: A student races through cones as he runs against the clock during a physical fitness standards test.

For decades, law enforcement professionals have wrestled with the question, “How fit is fit enough for performing the duties and responsibilities of a law enforcement officer?” The answer to this question has been debated in both professional and legal circles with numerous opinions and variations being offered. Virtually everyone agrees with the premise that fitness is an important attribute for law enforcement officers to possess in order to successfully perform their duties throughout their career. The point of contention is how “fitness” and “fit for duty” are defined and evaluated. Since the Federal Law Enforcement Training Centers are training institutions and not operational law enforcement agencies, this article will focus on being fit for training. Once trainees graduate from the FLETC and arrive at their duty station, the responsibility then shifts to the employing agencies to ensure that their officers are fit for duty. The distinction between “fit for training” versus “fit for duty” may appear to be a minor difference, but it is the focal point of this article and oftentimes an agency’s policy. This article describes how the FLETC arrived at its newly created Advisory Fitness Standards.

When training programs at the FLETC are designed or modified through a Curriculum Development Conference or Curriculum Review Conference, they are designed with the end goal of preparing students to graduate with the basic knowledge, skills and abilities (KSAs) to perform as an entry level officer or agent. When this process is done properly, all critical skills, both cognitive and physical, have been identified. Each of these skills has been addressed through the appropriate training methodology and tested to ensure proficiency. In the training arena, trainers are often faced with students who are not physically prepared for the rigors of the training environment. Virtually every law enforcement agency has some form of medical screening as part of their interview process, yet very few have a physical fitness screening in place to ensure the potential employee is

Fit For Training vs. Fit For Duty

BY CHARLES “SKEET” BREWER AND DR. BILL NORRIS
FLETC TRAINING RESEARCH

physically fit to participate in required training. The absence of this fitness screening process often leads to the selection of candidates who do not possess the physiological capacity to perform the various tasks required in training at the intended intensity and for the required duration. Law enforcement skills are typically developed, acquired and enhanced through repetitive drills that take place in several classes each day, on consecutive training days. Arriving at training unprepared will most likely result in the student being removed from training due to a failure, either physical or academic, or due to a sustained injury (most likely an overuse injury). The two most obvious consequences of this scenario are the time and money involved in the selection process for new hires and the loss of a productive employee. A majority of these situations could be avoided by implementing a “fit for training”

standard or evaluation prior to the applicant being hired or sent to training if they are already an employee of the agency.

When determining what type of evaluation to use for determining fitness for training, fitness tests are usually recommended as opposed to a task or job simulation test. A fitness test simply requires the participants perform at a prescribed level in a fitness category (such as strength), while a task test requires individuals to perform specific job related tasks. The job related skills could require some instruction in order to complete. This may produce an unnecessary burden on the participant's ability to visualize the correct technique needed for performance of the task, versus measuring the physiological capacity to perform the physical tasks. The most difficult aspect of this process is determining what level of fitness should be the minimum acceptable level. There are numerous fitness tests in existence that can be used to determine which tests are appropriate. The FLETC has evaluated the three primary basic training programs and determined the three most applicable tests to be the (1) Illinois Agility Run, (2) the One Repetition Maximum Bench Press and (3) the 1.5 Mile Run. These tests were determined by evaluating the Physical Performance Requirements (PPRs) as identified by the Subject Matter Experts (SMEs) from each training division. These PPRs were then validated by the Partner Organization (PO) representatives at the last three CRCs. After a thorough review of student performance,

student dismissals, injury rates and training time missed due to injury, the FLETC was able to identify the 25th percentile on the Physical Efficiency Battery to be a reliable indicator of "fitness for training". Most students who scored at the 25th percentile or higher on the initial PEB were successful not only in the physical components but also the mental components of basic training. In other words, those students possessed the physiological capacity to participate in all required training upon arrival at the FLETC. Since the focus of the assessment is to determine the physiological capacity of the individual, age and gender normative scoring is used to allow for the known physiological differences in males and females. This was published in January of 2010 as the FLETC Advisory Fitness Standard.

A key distinction between "fit for training" and "fit for duty" is the accuracy in which an organization can articulate the essential tasks that the individual must perform. In the training environment (such as FLETC), not only can the essential tasks be identified, but the frequency, duration and intensity of the performance can also be accurately documented. Taking the documentation of performance one step further, training organizations can generally identify the date and time trainees performed the required skills. This is in contrast to the operational or workplace setting where organizations can identify the skills necessary for the job, but find it very difficult to accurately identify the frequency, duration and intensity of

A FLETC basic student attempts to bench press his maximum effort during the physical fitness standards test.



the skills due to the variability of assignments, shift-work, staffing levels, diverse duty stations, and numerous other factors. This variability makes it very difficult to have a high degree of accuracy and consistency in identifying an acceptable level of performance. It is for this very reason many agencies choose not to implement a physical requirement. However, it is these same agencies that could reap tremendous benefits from implementing a “fit for training” standard. As mentioned earlier, the frequency of required tasks varies greatly in an operational setting. In training, however, the trainee will be required to perform multiple sets and repetitions of given tasks multiple times throughout the training program, oftentimes multiple times daily. It is for this reason that it is often argued that the physical demands of training are greater than the physical demands of the operational setting. These known physical demands place an increased emphasis on the selection of candidates who possess the requisite physiological capacity to participate in training upon their arrival to an academy. When employing agencies select a higher quality candidate for training, they generally end up with a higher quality workforce.

By understanding the difference between “fit for training” and “fit for duty” and recognizing the physical demands of training, agencies can better determine a candidate’s suitability during the hiring process. This, in turn, will reduce unnecessary expenditures on candidates who do not complete training and eliminate unnecessary delays in filling open positions with qualified candidates/employees. This awareness also benefits applicants who now have a better understanding of the physical demands for training and their personal level of preparedness. This awareness should translate into a greater likelihood for success in training.

Fit for training standards are available online at <http://www.fletc.gov/training/programs/physical-techniques-division/requirement-documents/physical-efficiency-battery-peb.html>.



TOP: Students have a thorough stretch prior to starting the FLETC physical fitness standards test. MIDDLE: The test also gauges the student’s flexibility. BOTTOM: A student dashes through orange cones during the agility portion of the test.



Training for Reality

BY JEFF DUPONT
FLETC DRIVER/MARINE TRAINING

Mayday! Mayday! Mayday!

This simple word repeated three times can make even the most seasoned mariner drop every task at hand, and alert them to an apparent dire situation. A Mayday call is the universal distress signal requesting immediate assistance for a boat that is in grave and imminent danger and where a real threat to life or property exists.

On July 25, 2010, Border Patrol Agents Salvatore Caccamo and Raul Tamayo of the Buffalo Sector, Niagara



A U.S. Border Patrol vessel races to be on station for an emergency. LEFT: The excitement on deckside before launch should be tempered by going through a “pre-flight” safety check list.

Falls Station, were preparing their 25-foot boat for an evening patrol on the Niagara River near its junction with Lake Ontario. As they were readying their craft, a Mayday call came across the boat’s VHF radio on emergency channel 16, just as agent Caccamo was completing his “pre-flight” checklist. Without any hesitation, both agents were quickly underway, speeding toward the last known position of the distressed vessel. Due to their thorough knowledge of the area, agents Caccamo and Tamayo were on the scene in a matter of minutes.

With agent Caccamo acting as the vessel commander, agent Tamayo was tasked with the critical role of lookout. Tamayo stated that the sea state was rough, with waves measuring somewhere between three and four feet, which made spotting the distressed vessel difficult due to the pitching and rolling that they had to endure in their own boat. In addition, the boisterous condition of the lake’s surface created turbulent cresting waves and whitecaps. There were also numerous sailboats in the general vicinity, which made pinpointing the troubled vessel even more difficult—but not impossible. Agent Tamayo quickly spotted the foundering vessel as agent Caccamo skillfully

BORDER PATROL AGENTS’ QUICK RESPONSE AND PREPAREDNESS SAVES LIVES ON LAKE ONTARIO

maneuvered alongside.

The 24-foot Canadian pleasure vessel had already begun to sink and the vessel’s stern was underwater as agents Tamayo and Caccamo began to render aid. In addition to the two adults who were on board, there were also three children between the ages of eight and 10 years of age. Although it was a relatively warm day, Tamayo stated that the water temperature was hovering around 70 degrees, which doesn’t sound very cold, unless you happen to be the one who is submerged. Contrary to popular belief, a person does not have to be in extremely cold water to become hypothermic. Various hypothermia temperature charts all concur that in 70 degree water, total exhaustion or unconsciousness may occur in as little as two hours after exposure; and with children, there is an accelerated risk as they cool more rapidly than an adult.

With this in mind, Tamayo and Caccamo knew that they had to act quickly. Agent Caccamo positioned the patrol vessel alongside the Canadians' rapidly sinking boat as agent Tamayo was able to get all three children safely onboard the patrol vessel. Due to the violent and offset pitching of the opposing vessels, this was a dangerous task in itself. Just as the last child was brought onboard, the now fully swamped boat started to go under, leaving the two adults in the water and swimming towards the Border Patrol boat. Tamayo threw a lifeline to the man, but in his panicked state, the man tied the end of the line to his sinking boat, placing both vessels in jeopardy. Tamayo quickly reacted by cutting the line, freeing the patrol vessel from the sinking craft. As the two agents calmed the fears of three frightened children, Tamayo and Caccamo were still able to get both adults safely out of the water and harm's way. Following a quick assessment of the rescued family, the agents transported them to the U.S. Coast Guard station in Niagara Falls for a medical screening and an official interview by Coast Guard personnel.

Border Patrol agents Salvatore Caccamo and Raul Tamayo are both graduates of FLETC's Marine Law Enforcement Training Program graduating from classes 808 and 901, respectively. When they were interviewed recently, both agents were asked what aspects of their training helped them the most as they were rescuing the Canadian family. Agent Caccamo, who was at the helm of the patrol vessel that day, said that the vessel handling class and the practical underway labs probably helped him the most and afforded him the necessary skills needed to safely maneuver within close quarters of the sinking boat. Prior to attending the MLETP, agent Caccamo's only boating experience was on airboats while stationed in Del Rio, Texas. "My training kicked in and I was able to do what I needed to do without thinking about it," stated Caccamo.

Agent Tamayo's response was similar to Caccamo's, when he stated that the underway time spent in the MLETP really helped to prepare him for his duties patrolling U.S. waters. "We were able to react to the situation without thinking," replied Tamayo. He also recalled certain elements of the Risk Assessment class, where sometimes certain risks are worth the reward, and in this case, helping save five lives was

certainly worth the risk.

Due to their bravery, mastery of seamanship and exemplary skills that were put to the test in a time of peril, five lives that might have otherwise been lost have now been given a second chance. Because they selflessly placed themselves in harm's way, agent Caccamo and agent Tamayo were awarded the coveted Newton-Azrak Award. The Newton-Azrak is awarded annually to the Border Patrol agents who voluntarily place themselves in life-threatening situations. This award is a tribute to Theodore Newton, Jr., and George Azrak, two Border Patrol inspectors who were kidnapped and murdered by drug traffickers in 1967 while they were working at a California highway checkpoint. Salvatore Caccamo and Raul Tamayo join the list of the 87 previous award winners, some who lost their lives in the line of duty and had been awarded the honor posthumously.

When asked how they felt after receiving the award, they both humbly agreed that "any other agent in the same situation would have done the same thing that we did." When interviewed separately, both agents gave credit to the other for their actions that day. Agent Tamayo gave praise to Caccamo's boat handling skills in the difficult environmental conditions, and Agent Caccamo commended Tamayo's ability to remain calm and composed during the ordeal. "His communication skills with the people in the other boat were exemplary," added Caccamo.

Unfortunately, the Canadian boat wasn't able to be salvaged and she now rests in a watery grave on the bottom of Lake Ontario, joining thousands of other vessels that have gone down before her—no doubt some of them under similar circumstances. When asked how their patrol boat performed under the rough conditions, agent Tamayo joked, "If we are going to get into the rescue business, we may want to get a bigger boat next time!"

EDITOR'S NOTE:

"Training for Reality" is a new feature that will be recurring in future issues of the Journal. As a law enforcement training publication, the Journal would like to showcase actual and extraordinary events that have occurred in the field, and then relate the facts of the event back to the FLETC training of those who were involved. The Journal staff will be actively soliciting suggestions for future stories. If you have a suggestion for an interesting story, please contact Jeff DuPont @ 912-267-2480; email: jeffrey.dupont@dhs.gov or Susan Thornton @ 912-267-2173; email: susan.thornton@dhs.gov.



ICE Trains International Partners at the FLETC

BY BARBARA GONZALEZ AND DANI BENNETT,
ICE OFFICE OF PUBLIC AFFAIRS
PHOTOS COURTESY OF ICE ACADEMY

Mexican Customs officers are currently participating in a two-week shadowing program at various U.S. Immigration and Customs Enforcement Special Agent in Charge offices. The shadowing program, which will allow them to see how ICE special agents work in the field in real scenarios, is part of an overall partnership between ICE and the Mexican government to train Mexican Customs officers.

Last October, a group of 24 Mexican Customs officers completed a rigorous and unprecedented 10-week training program at the U.S. Immigration and Customs Enforcement Academy located at the Federal Law Enforcement Training Center in Charleston, SC. The program was modeled on the ICE Special Agent Training Program, to prepare them to more effectively fight crime along the southern border and within Mexico.

The ICE-sponsored Mexican Customs Investigator Training consisted of physical training starting every day at 5:30 a.m., followed by eight to 10 hours of classroom instruction and hands-on training in defensive tactics, firearms,

ABOVE: A Mexican Customs officer practices a defensive drill during his training hosted by U.S. Immigration and Customs Enforcement at the FLETC.

and practical exercises. A large block of the curriculum was also dedicated to officer safety, internal controls and integrity training. The students also received training in Mexican and U.S. customs laws.

According to James S. Thomas, unit chief of international training at the ICE Academy, the goals of the program were to build the capacity of the Mexican law enforcement agency to address human trafficking, drug trafficking, arms trafficking, and other illicit contraband, and to stimulate communication, cooperation and coordination between the law enforcement agencies and prosecutors in each country.

The main benefit for ICE was to establish a closer law enforcement relationship with our Mexican counterparts and develop a means to share investigative leads and intelligence, according to Thomas.

What most surprised him was the humble courage expressed by the trainees when the instructors first asked the class why they volunteered for the training, considering the great risk to law enforcement officers in Mexico. “The answer was ‘because it is the right thing to do.’ No one had a desire for glory or recognition. They all just wanted to contribute to the safety and integrity of their country.”

The students were selected by Mexico Customs in coordination with the ICE Attaché Mexico City and underwent a thorough screening by ICE. Thomas said he thinks that the 10-week course provided the students with confidence, hope, and pride in their abilities.

There were 22 instructors from ICE in all, including trainers from ICE’s Homeland Security Investigations (HSI), Enforcement and Removal Operations, Office of Professional Responsibility and the National Firearms and Tactical Training Unit.

A graduation ceremony was held for the students at FLETC in Charleston, S.C., on Oct. 22, 2010, which was attended by Department of Homeland Security Secretary Janet Napolitano; Mexico’s Secretary of Treasury Ernesto Cordero Arroyo; Director of Tax Administration Service and Customs Alfredo Gutierrez Ortiz Mena; former Director of Mexico Customs Juan Jose Bravo, ICE Director John Morton; and former ICE Deputy Director Alonzo R. Peña, a long-standing supporter and active leader in bi-national cooperation with Mexico, who was largely responsible for bringing the training to fruition.

The event marked a landmark achievement by DHS and ICE in its commitment to partner with Mexico in confronting drug cartels and other criminal organizations whose actions undermine public safety, erode the rule of law and threaten the national security of the United States, Mexico and the world at large.



A Mexican Customs agent demonstrates proper handcuffing technique during training hosted by U.S. Immigration and Customs Enforcement at the FLETC.

Morton commended the students for completing the challenging and physically demanding course work that included getting a dousing of pepper spray. Morton said MEXCIT is the first of its kind and “stands as a shining example of the strength of the U.S. and Mexico’s commitment to bilateral cooperation.”

Morton said to the graduating students, “As you go forward in your careers, remember that at ICE, we will be good partners to you, and we know we can rely on you to be good partners to us.”

Napolitano congratulated the graduates and in her prepared remarks she said that in the last several years we have seen “a greater level of security cooperation between our two countries than at any point in our histories.” In speaking about the drug cartels that operate in both the U.S. and Mexico, Napolitano said that “fighting them demands a response that is transnational and that is coordinated.”

Also addressing the crowd was Secretary Cordero who said, “ICE has great experience and wonderful information, and the opportunity to share in that is extremely beneficial.”

A MEXCIT graduate, whose name was withheld for security reasons, said the training was more than gaining



A Mexican Customs agent demonstrates arrest procedures during training hosted by U.S. Immigration and Customs Enforcement at the FLETC.

knowledge. “It’s about wisdom.” He said he was eager to apply his newfound knowledge in his law enforcement role in Mexico. “This is another tool to use to combat crime and all that crime provokes. We want to have a safe country with people and families enjoying their lives,” he said.

The youngest student, a woman who celebrated her 23rd birthday during the course, said of the instructors, “They took the most important work of their life and gave it to us. It was a precious gift.”

At the completion of the course, the students provided feedback and evaluation of the training. A second evaluation will also be completed to determine if the training has been helpful and what could be improved.

Since the first-ever MEXIT training, a great amount of interest has been expressed by Mexico in attending additional training. Thomas is confident that as the awareness of the program increases, so will the requests for attending.

In addition to the Criminal Investigator Training, the ICE Academy at FLETC, in coordination with the ICE Office of International Affairs, hosts at least four International Taskforce Agent Training seminars annually.

The three-week ITAT course, which has been conducted since 2004, is a training program designed to provide foreign national investigators with knowledge

and the practical application needed to perform fundamentals of investigative activities that will assist the various ICE HSI Attaché offices, as well as their own office, with joint investigations.

The international students receive classroom and/or laboratory instruction in: general smuggling investigations, affidavits, conspiracy investigations, controlled deliveries, investigative report writing, investigative methods, interviewing, informant management, surveillance techniques, tracing of funds, warrant entries, cyber crimes, money laundering, evidence processing, undercover operational planning and safety, understanding of U.S. immigration laws, and non-lethal firearms training.

Since 2005, the ICE Academy has conducted 24 CIT and ITAT classes, training 316 officers from seven different countries using State Department Merida funding. The 316 officers represent offices of the Attorney General, Customs, National Police, Armed Forces, Immigration and Border Control agencies.

So far in fiscal year 2011, the ICE Academy has conducted trainings with law enforcement officers and attorneys from Ecuador and Panama. Training with Guatemala is currently in session and training with Honduras is scheduled for later this year.

BY JIM MCADAMS
FLETC LEGAL TRAINING

I. INTRODUCTION

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The Fourth Amendment is a shield against all unreasonable searches and seizures by the government, but not against all warrantless searches and seizures. One instance of a reasonable warrantless search that has been recognized by the Supreme Court is a search incident to a valid arrest (SIA) as defined over 40 years ago in the Supreme Court's decision in *Chimel v. California*, 395 U.S. 752 (1969). Two years ago, in *Arizona v. Gant*, ___ U.S. ___, 129 S.Ct. 1710, 1714 (2009), a divided court wrestled with how to impose clarity and discipline on the law pertaining to when a SIA may include a vehicle's passenger compartment recently occupied by the arrestee. This paper will summarize that decision and the legal precedent upon which it was based and provide this writer's assessment of how the law enforcement officer's approach to those searches should be modified in light of the *Gant* decision.

II. PRE-GANT CASE LAW

A. *Chimel v. California*

In *Chimel v. California*, 395 U.S. 752 (1969), officers with an arrest warrant searched Chimel's entire residence along with a garage and another outbuilding, and compelled Chimel's wife to assist them in that

search. *Chimel*, 395 U.S. at 754. The Court found the search to be unlawful and held that "absent some grave emergency," the Fourth Amendment requirement of reasonableness mandates that "the police must, whenever practical, obtain advance judicial approval of searches through the warrant procedure." *Id.* at 761 (citations omitted).

Nevertheless, the Court acknowledged the need for officer safety and the preservation of evidence. To serve those needs, the Court found that, following a lawful arrest, an officer may reasonably search the arrestee without a warrant in order to locate and remove any weapons that the arrestee could use in order to resist arrest or escape. Further, the

Court held that the arresting officer may search for and seize any evidence on the arrestee's person in order to prevent its concealment or destruction. In short, the Court concluded that the scope of a reasonable SIA includes the arrestee's person and the area "within his immediate control," but not closed or concealed areas in the room of arrest or rooms other than that in which an arrest occurs. *Id.* at 762-63.

B. *New York v. Belton*

Against the foregoing backdrop, the Court, in 1981, addressed the question of the permissible scope of a SIA when the arrestee, at the time of or immediately before arrest, was an operator or passenger in a vehicle. *New York v. Belton*, 453 U.S. 454 (1981). In



Vehicular Search Incident



to Arrest after Gant

that case, the police officer lawfully stopped a car with four occupants because the driver was speeding. As he approached the vehicle after the stop, the officer smelled the odor of marijuana and saw an envelope on the floor of the car on which was printed a symbol for marijuana. He ordered the occupants out of the car, retrieved and opened the envelope, and found that it contained marijuana. Inside the pocket of the defendant's jacket, which was also in the car, the officer found cocaine. *Id.* at 456.

The Court upheld the search of Belton's jacket, concluding that "when a policeman has made a lawful custodial arrest of the occupant of an automobile, he may, as a contemporaneous incident of

that arrest, search the passenger compartment of that automobile." *Id.* at 460. In doing so, the Court found that it is reasonable to conclude that articles inside the passenger compartment of an arrestee's car are within "the area into which an arrestee might reach in order to grab a weapon or [evidence]." *Id.* (quoting *Chimel*, 395 at 763).

C. *Thornton v. United States*

Left unanswered in *Belton* was the question of the lawfulness of the SIA of a vehicle when the person arrested had already vacated the car. In *Thornton v. United States*, 541 U.S. 615 (2004), a police officer attempted unsuccessfully to conduct a traffic stop of Thornton; it was only

after Thornton had later voluntarily stopped and exited his vehicle that the officer initiated contact with him. At the time, Thornton consented to being frisked and during that frisk the officer found illegal drugs on Thornton's person. The officer placed Thornton under arrest, handcuffed him, and placed him in the back seat of the officer's car. After doing so, the officer returned to Thornton's car and searched it, finding a firearm under the driver's seat. *Id.* at 618.

In his motion to suppress the firearm, Thornton argued that the officer's search of his car was unconstitutional because it occurred when he was no longer an occupant of that car. *Id.* at 618-19. The Court was unimpressed, however, holding that the concerns of officer safety and evidence destruction are the same regardless of whether the suspect is inside or outside of the car, if he is still in control of it. *Id.* at 620-21.

III. *ARIZONA V. GANT*

Shortly after arresting two individuals at a residence for providing false information and for possession of drug paraphernalia, police officers in Tucson, Arizona, recognized Rodney Gant as he arrived in his car. Aware that Gant's driver's license had been suspended, one officer approached as Gant parked and got out of his car, shutting the door behind him. At a point about 10 to 12 feet from Gant's car, the officer arrested Gant for driving on a suspended license, handcuffed him, and placed him in the backseat of a police vehicle. A search of Gant's car incident to that arrest revealed a gun and a bag of cocaine in

the pocket of a jacket on the backseat. *Arizona v. Gant*, 129 S.Ct. at 1714.

Charged with possession of drugs and drug paraphernalia, Gant argued that the warrantless search of his vehicle was not justified under *Belton* because (1) he posed no threat to the officers after he was handcuffed and in the patrol car and (2) because he was arrested for a traffic offense for which no evidence could be found in his vehicle. *Id.* at 1715. The Arizona Supreme Court concluded that a warrantless search of a vehicle after its owner is arrested, handcuffed and secured in the back of a police car and the scene is otherwise secure, is unconstitutional. *Id.* at 1716.

The United States Supreme Court agreed. Along the lines of Justice Scalia's concurring opinion in *Thornton*, the Court explained that vehicle SIAs after the arrest of a recent occupant of that vehicle must be based on "the safety and evidentiary justifications underlying *Chimel's* reaching distance rule." *Id.* at 1714. The Court stated that earlier readings of *Belton* were unnecessarily broad, resulting in the conclusion that the search of a vehicle incident to arrest was a police entitlement rather than as a narrow exception to the warrant requirement applicable only when the facts actually demonstrate officer safety or evidence destruction issues as contemplated in *Chimel*." *Id.* at 1718. Thus, the Court concluded, such searches are only permissible when (1) the arrestee retains actual access to the interior of the vehicle, or (2) the arresting officer has "reason to believe" that evidence of the crime for which he made the arrest exists in the car. *Id.* at 1723-24.

IV. SIA of Vehicles after Gant

Clear from the holding in *Gant* is that the teachings of *Chimel* remain good law. That is, following a valid arrest, the arresting officer may conduct a warrantless search of "the

space within an arrestee's "immediate control" and "the area from which he might gain possession of a weapon or destructible evidence." *Id.* at 1718 (quoting *Chimel*, 395 U.S. at 763) (emphasis added). The Court in *Gant* made abundantly clear that the vehicle search in that case failed to meet that standard because it happened after Gant was handcuffed and secured in the back of a patrol car. Accordingly, law enforcement's longstanding presumption of "immediate control" of the interior of a vehicle merely because of proximity to the arrestee is no more.

Unlike in *Thornton*, the officers in *Gant* lacked any basis for concluding that Gant possessed narcotics on his person at the time of his initial arrest, something that even under *Gant* could provide a basis for extending the SIA to a vehicle from which the arrestee had just exited. Because of those narrow differences of underlying facts between the two cases, and because the *Gant* expressly rejected any notion that it was overruling *Thornton*, *id.* at 1722, it would seem reasonable to conclude that the actual change effected by *Gant* to law enforcement officer's post-arrest search authority may be viewed as similarly narrow.

Thus, if an arresting officer has no vehicle or similar venue for use in securing an arrestee in a case involving drugs or another serious felony, the officer may reasonably conclude that, even if the defendant is handcuffed, his vehicle remains within his immediate control and a place where he could gain possession of a weapon or destructible evidence. Similarly, if the officer is alone but dealing with multiple arrestees who recently occupied a vehicle, it may be reasonably argued that the officer may conduct a quick search of the vehicle for weapons and destructible evidence to ensure his safety before moving the arrestees away from the vehicle.

On the other hand, after *Gant*,

absent some similar basis for finding the potential for access to the vehicle, officer safety will not justify a SIA of the vehicle. In that case, the officer wishing to make a lawful search of the vehicle's interior must be prepared to articulate an objective basis for concluding that the car is a repository of evidence of the crime that is the basis of the arrest. E.g., *United States v. Slone*, 636 F.3d 845, *17- *21 (7th Cir. 2011).

V. CONCLUSION

Gant need not be viewed as a significant impediment to effective post-arrest searches of vehicles. If an arresting officer is able to articulate reasonable facts that demonstrate a realistic likelihood that the arrestee (or another acting to assist the arrestee by gaining access to a weapon or destructible evidence) retains access to the vehicle, a SIA of that vehicle would pass the test of *Gant*. If the officer is able to articulate a reason to believe that the vehicle contains evidence of the crime for which he has just made an arrest, Gant would allow an ensuing search of the passenger compartment of the vehicle. Absent such articulable facts, the likelihood that a SIA of the vehicle would be lawful is small.

¹ Interestingly, Justice Scalia declined to join the *Thornton* majority in its opinion though he concurred with its decision. In his concurrence, Justice Scalia wrote, with some prescience when viewed in light of the Court's later decision in *Gant*, that the majority had "stretched *Belton* beyond [its]breaking point" and opined that it should be limited to cases in which the arresting officer has "...[reason] to believe evidence relevant to the crime of arrest might be found in the vehicle." *Id.* at 625-29 (Scalia, J., concurring).

² The Supreme Court has not specifically defined "reasonable to believe" as that term was used in *Gant*. Some courts have equated *Gant's* "reasonable to believe" standard with probable cause. See, e.g., *United States v. Grote*, 629 F. Supp. 2d 1201, 1203 (E.D. Wash. 2009). Other courts have found that *Gant's* reasonable belief standard is less than probable cause. See, e.g., *United States v. Vinton*, 2010 U.S.App. LEXIS 2450 (2010).

actual geographic area of the world. For example, if the condition at St. Simon's lighthouse happens to be low tide at a particular time of day or night, the simulator will also reflect a low tide at the same time during a simulated exercise. "The marine simulation laboratory hasn't reduced any of the actual underway time for our students. What we have seen though, is more efficient time underway when the student has had simulations training beforehand," stated Floyd. He added "Unfortunately, we cannot control the weather and at times we are physically unable to get underway for training. We can however, replicate those underway marine exercises in the simulator lab, therefore allowing the students to meet training objectives and eliminate lost training time."

As with any technologically-based training, simulation programs and their capabilities are advancing significantly. The SIB is constantly studying and reviewing new and existing data in order to bring simulated training into the mainstream of law enforcement training methodologies. Not only is the SIB active in its simulations research, it is also associated with partner organizations such as the Royal Canadian Mounted Police, the US Merchant Marine Academy, the US Coast Guard, the US Navy, the Los Angeles County Sheriff's Office, the Los Angeles Port Police, the Dallas Police Department, the Jacksonville Sheriff's Office and the California Highway Patrol, just to name

a few. All of these organizations are presently leaders in the simulation training arena and have collaborated with FLETC's SIB, sharing information, knowledge and data on many simulations training issues.

With the new SIB in place and the three-step program ready for launch, DMD is on the threshold of making some major changes to driver training. Not only will these changes influence FLETC's partner organizations, but they will also have a huge impact on hundreds of other departments nationwide. Since 1975, over 1,300 state and local agencies have sent their driving instructors to attend FLETC's Law Enforcement Driver Instructor Training Program, (LEDITP). Many of those newly trained FLETC driving instructors in turn have returned to their respective agencies and created driver training programs, which are modeled after, and mimic the LEDITP. In a sense, DMD's newly adopted training approach will have a "trickle down" effect and eventually change and help to improve driver training programs nationwide.

With a new approach to driver training and reinvented philosophies, FLETC's Driver and Marine Division stands ready to accept and adapt to any new challenge that it may encounter in the future. The DMD will always make the necessary adjustments in training to offer the absolute best product available. Chief Brown emphasized, "We want to ensure that anyone who passes through our doors exits a better, more thoroughly trained agent."



In a sense, DMD's newly adopted training approach will have a "trickle down" effect and eventually change and help to improve driver training programs nationwide.

Marine Piracy and Crime Classes at FLETC

BY SCOTT CURLEY, FLETC CHARLESTON

The FLETC Charleston Training Division, Maritime Training Branch, conducts training for federal, state and local law enforcement agents and officers and military personnel on piracy issues and how to board, search, and clear compliant and non-compliant commercial vessels. Courses taught at FLETC Charleston are: Seaport Security Anti-terrorism, Maritime Tactical Operations, and Commercial Vessel Boarding.

During the Seaport Security Anti-terrorism training program students are given a class on Maritime Piracy and Crime which covers: current piracy events, common tactics employed by pirates, areas around the world with the highest threat from piracy, countermeasures employed by the shipping industry to prevent piracy, threats to persons within the maritime industry, and the growing relationship between piracy and terrorism.

During the Maritime Tactical Operations Training Program students are taught techniques for boarding, searching and clearing a vessel that has been taken over by pirates or terrorists. The topics covered during this training are: tactical water survival, hook and climb procedures for watercraft infiltration, safety hazards

associated with hook and climb, performing multiple climbs using hook and ladder equipment on large commercial vessels as well as boarding smaller commercial vessels that do not require hook and climb gear. Once on board students are taught tactical vessel clearing, use of specialized tools, and how to gain positive control of the vessel.

Commercial Vessel Boarding Training Program is designed for law enforcement or military that will be boarding large and small compliant commercial vessels. Students learn about the different types of commercial vessels including design, compartmentalization, water tight integrity, and hazards associated with boarding those vessels. The course also covers pre-boarding procedures, boarding procedures, vessel clearing and searching for unaccounted for persons and officer water survival.

These training programs help prepare law enforcement and military personnel to handle a maritime terrorist incident in the United States and better prepare officers that may be engaged in the piracy missions overseas. More information can be found at www.fletc.gov/about-fletc/locations/charleston.

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and security. Regional powers such as India, People's Republic of China, Turkey or Brazil could not continue its economic prosperity without open sea lanes. Yet, providing sea security is an incredibly expensive undertaking and only the U.S. maritime services are capable of leading this coalition.

The sea makes up over 70% of the earth's surface and most people live in or are moving to coastal areas. History has shown, since the Athenians in 5th century B.C. that states that are geographically located on sea trading routes are wealthier. Therefore, urban growth will continue to sprawl near port cities and cities with access to the global supply chain. Globalization has uplifted millions out of poverty due to the sea power that the U.S. and its coalition partners have provided in securing the sea lanes over the past several decades. Continued economic prosperity for all states will rely heavily on the efforts of the U.S. and its allies projecting power and in assuring safety on the high seas and its critical chokepoints. Current maritime security

operations that are taking place, such as that of the Combined Task Forces throughout the Arabian Gulf and other regions will continue to assist in controlling piracy and the threat of terrorists in our most vital regions of sea trade.

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2010 FLETC Honor Graduate

Eric Heiple, U.S. Secret Service Uniformed Division

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The FLETC presented its Honor Graduate of the Year Award for 2010 to U.S. Secret Service Uniformed Officer Eric M. Heiple during a ceremony held July 12, 2011. This award is offered annually to the FLETC basic training honor graduate with the highest academic average. FLETC Deputy Director Ken Keene presented Heiple the award in the presence of his family, friends, fellow Secret Service members and FLETC staff. Congressional representatives, federal, state and local law enforcement officers, and community leaders attended the annual event. and offered their congratulations and support to the U.S. Secret Service officer.

Heiple graduated from the FLETC Uniformed Police Training Program Class 011 on May 27, 2010, with an academic average of 98.21, a perfect firearms score of 300, and a Physical Efficiency Battery (PEB) average of 96. He also received several awards while attending FLETC, including the Distinguished Fitness Award, the Academic Award, the Driving Award and the Distinguished Expert Award in Firearms.

The keynote speaker at the event was U.S. Secret Service Uniformed Division Chief Kevin Simpson. “There is no greater honor than to pay special tribute to one of our own for his accomplishments,” said Simpson. “Eric not only gave it his best shot, he gave it his all. He has shown that with hard work, determination and



From left: U.S. Secret Service Uniformed Division Chief Kevin Simpson, 2010 FLETC Honor Graduate of the Year Eric Heiple, and FLETC Deputy Director Ken Keene.

self-sacrifice, you can accomplish your goals.”

Past recipients of the FLETC Honor Graduate of the Year Award include officers and agents with the Diplomatic Security Service, U.S. Customs and Border Protection, National Park Service, U.S. Capitol Police, Department of Housing

and Urban Development, Defense Criminal Investigative Service, General Services Administration, Department of State, U.S. Secret Service, and the U.S. Coast Guard.

“Although your performance is a tribute to the Secret Service and its recruitment and hiring standards, it is your dedication and determination to master all of the skills and knowledge necessary to become a federal officer that we are here to acknowledge,” said Keene.

Heiple is assigned to the U.S. Secret Service Uniformed Division in Washington, D.C. In this role, he provides protection for the White House Complex, which includes the President of the United States, his family, staff and visitors. Heiple is also responsible for the enforcement of access control policies, federal law and Washington, D.C. criminal code.

Prior to his position with the Secret Service, Heiple was a loss prevention supervisor for a major national retail organization. He was also a graduate assistant at Southern Illinois University in Carbondale, Illinois, from where he earned both a bachelor’s and master’s degree in Administration of Justice.



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