

OFFICER SURVIVAL GUIDE

11 Officer Defense Tips & Tactics



From the Editors of

POLICE
THE LAW ENFORCEMENT MAGAZINE

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FIVE THINGS THAT CAN GET YOU KILLED OR SUED

Thinking things through and taking just a little care can save you a world of hurt.

| MIKE "ZIGGY" SIEGFRIED

With the tax base shrinking in many of our jurisdictions and that depleting our budgets, all of us have been told to do more with less.

Consequently, many cops are overworked, sometimes being asked to take on the responsibilities once shared by two or three people. There is also a strong incentive to cut corners. We have all done it. The trick is to know what corners to cut and what corners might cut you back. With this in mind, here's a look at five things you absolutely positively don't want to do on the job.

1. REACTING TOO SLOWLY

With lawsuits abounding, many officers spend more time worrying about how a use of force will be perceived by their agencies and communities rather than what they need to do to survive it. This can cause officers to hesitate.

The hesitation problem is exacerbated when the individual officers do not have a clear understanding of when they are legally allowed to use force.

There is a famous maxim that says, "He who hesitates is lost." The decision to use force should never be taken lightly, but once the decision is made, appropriate force should be used without fear of what could or might happen after.

The United States Supreme Court gave us clear direction in the landmark case *Graham v Connor* in 1989. The court expects the force used by police to be "objectively reasonable." If you use "objectively reasonable force," you will have the full weight of federal law behind you.

Using tactical communication is great. "Be nice," like Patrick Swayze said in the movie "Roadhouse." Don't let your mouth write a check other more delicate parts of your body might have to cash. Showing respect to arrestees, their families, and friends doesn't cost anything, but it can pay off with increased officer safety and cooperation. Good cops turn arrestees into informants.

A key element in Dr. George Thompson's "Verbal Judo" is "When words fail, act." When it comes time to act, act! Use force. Too many cops are killed with their weapons still in their holsters because they were talking when they should have been shooting.

2. DRIVING TOO FAST

Any good traffic cop knows the primary cause of traffic fatalities is usually speeding. We are going too fast and it is killing us.

For those of us in cars, many times we do not have our seat belt fastened and we crash. I never understood why so many cops don't fasten their seat belts. The excuse I hear most of the time is, "I don't want to have my seat belt on in case I get into a shooting or have to exit the vehicle in a hurry." OK, when was the last time you heard of a cop getting out of a vehicle traveling 40 to 100 miles per hour? How about shooting at another vehicle or a person while driving at those speeds? Most cops do not get 100% on their qualification when they are shooting at a stationary target just a few yards away.

I, like most cops, take off my seat belt as I am approaching a vehicle, house, or a person. But at that point, I am going at a very low speed, usually 10 miles per hour or less. If I get into a collision at that speed, I have an excellent chance of being OK. If I get into a



Wearing a seat belt and driving at reasonable speeds greatly reduces officer deaths from traffic collisions.

FIVE THINGS

collision at 100 miles per hour without a seat belt, I probably won't be going home at the end of shift. In 2011, we lost 45 officers to collision-related deaths.

3. BEING TOO PROUD

Pride goes before a fall. Call for backup. It is not a sign of weakness; it is a sign of tactical awareness. Ask yourself how much sense would it make for the SWAT team to respond to a call and say, "Oh there is only one suspect in the house. Well we will just send in one officer. There is no way the suspect in the house is better trained or equipped than our guy." Ridiculous. Right?

I have heard this mantra from more than one SWAT team: "Surprise, speed, and overwhelming force overcome a myriad of tactical problems." When SWAT teams engage, the whole entry team goes in. So remember, you do not have to go it alone.

4. WRITING TOO LITTLE

Be humble enough to learn from your peers, especially the experienced ones. Most cops have a specialty or two. Something they love to do. Learn from the experts next to you. If you are constantly going to court and getting grilled on the stand, find out why proactive officers rarely have to go to court. Most of the time, you will find it's because they write good reports.

Ask these officers if you can have a copy of their best reports. I have never heard a cop refuse this request. In fact, they are usually flattered. Learn from these reports and use them as a template for when you have similar investigations.

Many cops skimp on writing a good report. When calls for service are piling up, they feel pressure to get going fast. So they write short reports with minimal information. The problem with this philosophy shows up later. If their agencies have good report writing oversight, the officers will be asked to rewrite their reports. The report rewrite often involves re-interviewing victims, witnesses, and suspects. This usually takes a lot longer than doing a good report on the front end.

There are also legal consequences to writing shoddy reports. They often end up giving us bad case law. Bad case law makes it harder for every cop to do his or her job.

Bad reports also create potential liability for the officer and department. The focus should be on writing a report covering the elements of the crime and potential criminal defenses. By doing this, you will have a better reputation with victims, your department, and the district attorney.

Use-of-force incidents are one of the most important aspects of policing that require you to write a detailed and comprehensive report. I have seen many force reports that lacked the details necessary to defend the officer and the department from civil liability, let alone get a criminal conviction on the suspect.

Force reports should cover three areas:

- What was the officer's "legal standing," or put more simply why did the officer have a right to contact the suspect? If an officer pulls over a car without probable cause or reasonable suspicion, the officer has no "legal standing." Therefore, if the officer uses force that force will not be legal.
- What did the suspect do to actively resist you in your lawful duties? Being specific is very important. There is a big difference between writing, "The suspect took a combative stance," and "The suspect took a bladed stance and raised his fists to his chin. He moved his weight to the balls of his feet and tucked his chin to his chest. He moved his head side to side like a boxer. I recognized these movement from defensive tactics training. At that moment, I was concerned the suspect had a martial arts skill set that could be a danger to me and others in the area."



PHOTO: ©ISTOCKPHOTO.COM

Write a thorough report the first time and you won't have to rewrite it later.

FIVE THINGS

- Describe in detail how the suspect’s “active resistance” created a danger for you or someone else. For example, “I believed my partner was in imminent jeopardy because the suspect with the boxer stance said, ‘I’m going to beat you down.’ He started moving quickly toward my partner. At that point, I believed it was objectively reasonable to deploy my TASER.”

5. PURSUING EVERYTHING THAT RUNS

Just because someone runs, does not mean you have to chase him or her. Sometimes patience is the better part of valor. If you know who they are, do you really need to chase them into an apartment filled with gang members when you are by yourself? We have lost too many officers to ambushes on foot pursuits.

Do you need to initiate a vehicle pursuit with a known suspect that may result in the traffic collision deaths of uninvolved citizens? No. Too many innocent people have been killed by officers who engaged in vehicle pursuits when they shouldn’t have.

Remember, if you started the pursuit you can call it off. You must constantly analyze what is happening. You might have to call off the 100-mph pursuit that started in a rural area when it enters a crowded urban area. Calling off a bad pursuit is not a sign of weakness. It is a tactical necessity.

My goal is to remind all of us to take a little time to analyze what we are doing and how we are doing it. Most of the mistakes I have listed can be attributed to some form of going too fast.

Take a minute and think about what you are doing, saying, and writing. Law enforcement is by and large a reactive profession. A suspect completes a crime usually entailing an “overt act” and we “react.” By the nature of our work, we must adapt. This adaptation involves being technically, socially, and mentally nimble. We analyze current trends and share our experiences with others. I hope some of these suggestions will help you. ☉

Mike “Ziggy” Siegfried is a detective, instructor, and use-of-force expert with the San Bernardino County (Calif.) Sheriff’s Department.

SAFE SEARCHING: THE STANDING BASIC SEARCH

Conducting effective patdowns is an essential skill that deserves more attention in training.

| JAMES HARBISON



Searching people in a standing position is something deputies and officers do every day across the nation. We search people in a variety of field situations and legal circumstances. But for the purpose of this article, I am going to focus on what is commonly referred to as a pat search or Terry search for weapons. As far as officer safety skills are concerned, I believe pat search techniques to be one of the most critical skills given too little emphasis in training, and therefore worthy of analysis.

THE ANALYSIS

Searching people in the field for readily accessible weapons is a tactical necessity to keep us safe. It is also a high frequency activity. When analyzing the risk, it's important to pay attention to what happens to law enforcement officers when we are attacked. According to FBI statistics, 81.4 percent of the 590,507 officers assaulted in 2009 were attacked by an assailant using personal weapons (e.g. hands, fists, or feet), resulting in the highest percentage of injuries to the officers. This statistic is consistent with the FBI statistics from the previous 10 years, and therefore a fairly reliable indicator of future trends.

How does this fit within the context of a pat search? If you think about it, in order to attack an officer with personal weapons, the assailant must be close enough to strike or grapple, the same distance you are at when you search a person. So how can you protect yourself when you do your search? Use a method or technique that meets three key objectives: safe, effective, and expedient.

By safe, I mean that which exposes you to the minimal amount of risk. By effective, I mean that which affords the best opportunity to find what you are looking for. By expedient, I mean simple and quick, though not at the expense of safety or effectiveness. Your chosen method should facilitate not only a safe and effective search, but also other force options such as control holds, take-down techniques, and handcuffing.

Although I normally refrain from offering a “best” or “safest” technique, pat searching will be my exception. I will explain the three critical components of the search technique, and why these are so important to your safety.

THE SEARCH

The technique I am presenting is referred to simply as the Standing Basic Search. Control is the primary issue in conducting a safe search. The Standing Basic Search represents the minimal level of control you are willing to establish over a person while searching him or her. Focusing on the Standing Basic Search, there are three keys to control:

- ★ Position the body
- ★ Limit the mobility
- ★ Control the hands

POSITION THE BODY

Because we are innately geared toward forward movement, most aggressors, whether formally trained or not, will attack in a forward direction. Therefore, you are safer positioning yourself behind the person, rather than in front. Positioning yourself behind does not preclude a rearward attack (e.g. a rear kick, or rear elbow), but combined with the remaining two keys to control, greatly reduces a suspect's ability to attack you effectively.

SAFE SEARCHING

Stance is also a factor in positioning. Since you search with your hands, you must be close enough to touch the areas you intend to search. In the Standing Basic Search, you will stand with your gun leg back in a balanced and bladed stance. This stance gives you the ability to create some space between your gun and the person you are searching. It also provides a platform for mobility and appropriate defensive reactions.

LIMIT THE MOBILITY

Once you are behind the person, you want to limit his mobility. To do that, you have him widen his stance. The amount varies, because this part of the technique is also used to offset a disparity in height between a taller person and a shorter officer. Even if there is minimal height disparity, you want to have the suspect widen his stance because this adversely affects or limits his mobility.

To initiate movement from a widened stance (such as lunging forward or turning around preparatory to attack) the human body will instinctively move one or both legs toward its centerline. This movement creates more time for you to perceive resistance and react appropriately. In combative situations, fractions of a second can mean the difference between an advantage and a disadvantage.

CONTROL THE HANDS

Of the personal weapons aggressors can use to hurt you, their hands should be your greatest concern. A suspect's hands can be used to strike, grab, choke, and manipulate weapons. Are you better off controlling one or both hands? Controlling only one hand leaves the other hand free to assault you or manipulate a weapon. Therefore, you should control both hands.

One way some officers attempt to do this is to have the person place her hands on a stationary object, such as a wall or the hood of a car. However, this does not control the hands, it merely isolates them. Worse, this gives her two more points of stability and balance from which to initiate an attack.

Another common method is to have the person place his hands in the small of his back. A variety of methods can be used to grab and hold both of the suspect's hands from this position. Although better than the first example, this method is not the optimal way to control the hands, for three very important reasons.

DON'T ALLOW WAISTBAND ACCESS

First, knowing what you know about where people are most likely to conceal weapons (I'll call them "hot zones"), I'm sure you'll agree the waistband (front and rear) is at or near the top of the list. This makes instructing someone to put his hands at the small of her back a risky proposition.

Considering human perception and reaction times, you are placing yourself at a tactical disadvantage by giving the person an opportunity to "comply" with your request by moving her hands toward her waistband, a primary "hot zone." If you told her to do it, you must allow that movement. How quickly can you distinguish between a person who is compliant, and one who is moving toward a "hot zone," intending to arm herself? How quickly can you react to the threat? Use a training gun or training knife, and work through some scenarios; you'll see what I mean.

Next, if you agree the rear waistband is one of the high-risk "hot zones," you should avoid obscuring that area with the person's hands. Although proponents of controlling the hands in this location claim they adequately search the rear waistband area, when I make observations in the field, I see just the opposite.

SAFE SEARCHING



Thirdly, once you have a hold of the person's hands, you can use this connection to your advantage should you need to overcome resistant or combative behavior. How much control can you effect over the person with his hands behind his back at waist level? Some, but not as much as you might think. Advocates of this hand control position suggest disengaging from the person by shoving her forward.

As I mentioned before, you are innately wired for forward movement. Throughout our lives, we crawl, walk, run, and stumble forward. Our central nervous systems develop an orientation bias toward forward movement. We become adept at recovering our balance moving forward, but not backward. An aggressor's ability to recover her balance directly corresponds to her ability to re-initiate an attack. You can use

this to your advantage, controlling an aggressor's balance by breaking her vertical plane in a backward direction, rather than forward. To do this most effectively, the subject's hands should not be at waist level.

"HANDS ON YOUR HEAD!"

The optimal way to safely and effectively address all three concerns—positioning the body, limiting the mobility, controlling the hands—is to have the person place his hands behind his head. Why? When was the last time you encountered a person who had a gun, knife, hammer, or other dangerous weapon attached to his or her head? As a practical matter, the odds of a person effectively concealing a dangerous weapon there are quite small. Therefore, you can direct a subject's hands toward his head with minimal concern about distinguishing between compliance and arming.

If you agree with that, then you can also agree that with this method you need not be concerned about obscuring a high-risk area to be searched. If you direct the person's hands to the back of his head, and instead he reaches for his waistband, you now have noncompliance, which is more easily identified. There's your "red flag," calling you to action.

Lastly, when you have to overcome resistant or combative behavior, you can much more effectively control the person's body by breaking his vertical plane backward, rather than forward. This is most easily accomplished when the hands are linked to the head rather than the waist. There are three simple and effective takedown techniques from the Standing Basic Search position, which is a topic for another day.

PROPER TECHNIQUE

Now let's look at how to properly execute the Standing Basic Search. The first step is to have the person place his hands behind his head, with fingers interlocked (**photo 1**). Next, have him turn away from you or maneuver behind him. From a bladed stance, safely close the distance and use your lead (non-dominant) hand to grip his hands (**photo 2**). The grip is important: start from the top (pinky fingers) and establish a firm grip, using your thumb to "lace up" his fingers (**photo 3**). Make sure you anchor the hands to the base of the skull by exerting downward force. Maintaining your gun leg back, use your free hand to thoroughly and systematically search the readily accessible areas on the matching side of the subject's body (right hand searches person's right body half) (**photo 4**). If this is a search where it is legally permissible to reach into the pockets (e.g. a parole search), you can easily do so from this position.

Once you've completed one half of the subject's body, switch the gripping hands (**photo 5**) and search the other half, again using the matching hand (**photo 6**). Notice your stance

SAFE SEARCHING



does not change. Depending on the size of the person you are searching, you may have to shuffle step in the direction of the second half prior to searching, but your gun leg stays back. When you complete your search, place your free hand on the upper back of the person and shuffle step back before further directing the subject's movement (**photo 7**).

Depending on the size of the officer versus the size of the person being searched, the downward limit of this search technique is about at the area on the person's legs where "cargo" pockets would be. Under most circumstances, the lower legs are not considered readily accessible areas. However, if you are concerned about those areas and you are legally justified, they should be searched using a technique that meets the same three criteria discussed here.

SIMPLE YET EFFECTIVE

The Standing Basic Search offers a simple yet effective way to efficiently and safely conduct a pat-down search. By using the Standing Basic Search, you establish hand and body control of the person you are searching, with a minimal amount of labor. Should you feel the need to gain more control over the person you are searching, you can escalate to a Standing Modified Search or a High-Risk Kneeling Search, both of which are topic for another discussion at another time.

Whether you adopt the Standing Basic Search technique or not, consider all the risk factors involved in searching people, and process those in ways that make sense to you so that your searches will be safe and effective. ☉



Sgt. James Harbison is the Basic Academy Coordinator at the Contra Costa County (Calif.) Office of the Sheriff Law Enforcement Training Center, where he teaches defensive tactics and physical fitness.

HOW TO WATCH THE HANDS

Being able to recognize when a suspect is pulling a weapon is an officer safety necessity.

MIKE "ZIGGY" SIEGFRIED

Every year the FBI publishes a report titled "Law Enforcement Officers Killed and Assaulted." According to this report, 41 law enforcement officers were feloniously killed in the line of duty in 2008. Year after year, the report outlines the fact that most officers are killed by firearms. But even when the suspect does not use a firearm, he or she may use other weapons to kill officers. The attacker may grip an edged weapon, use a blunt object, or steer a car into an officer. In all of these instances, suspects use their hands to kill.

From basic training to field training, officers are told, "Watch the suspect's hands." But you are not taught how to do it. Why haven't law enforcement trainers developed an eas-



A person might seem to be innocently reaching for ID when in fact he's reaching for a gun. Look for the way the hand is positioned in relation to the body for signs that a subject is going for a weapon.



When approaching a subject, focus on movements of the thumb, index finger, and elbow. A subject holding up open hands, even in an aggressive manner, is less of a threat because he can't easily reach a weapon.

ily understandable method to teach you the specifics of suspect hand movement awareness? One answer is that trainers and veteran officers who are skilled at hand watching often have a hard time articulating how they do it. So they use simple phrases like, "Just keep an eye on the hands," or "It's important to always watch the hands."

But this isn't enough. It is imperative that you be able to recognize when suspects are using their hands to access and deploy weapons so you know how to respond. Never bring a control hold to a gun fight.

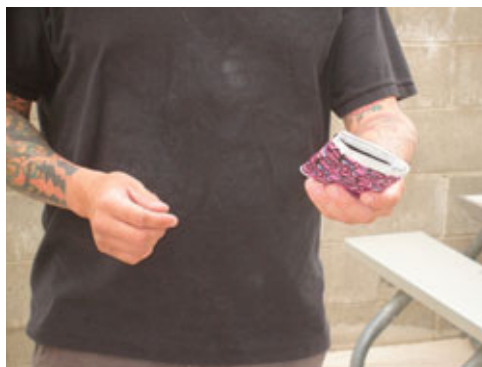
HOW TO WATCH THE HANDS

It wasn't until I did some training a few years ago with Roy Harris, a world class martial artist and martial arts hall of fame member, that I learned how to watch the hands of a suspect. I could not believe how much this awareness training increased my officer

WATCH HANDS



Have a subject turn sideways so you can see what he is retrieving from his pocket. Then tell him to use only his thumb and forefinger to slowly remove his wallet.



safety. I shared this technique with academy trainees and advanced officers. I now have a very simple way to explain dangerous suspect hand movements, and I use this knowledge when I testify as an expert witness defending officers in use-of-force cases.

Harris began the training with a question: "How do people access weapons systems?" I naively replied, "With their hands." He said, "OK, but how?" I didn't have an answer.

Harris explained that under most circumstances when a person brings a weapon into play, she has to make at least two movements with her hand. First, the thumb and index finger move toward the center of their body. Next, the elbow moves out away from the body. By focusing on these telltale movements, officers can perceive when a weapon might be coming into play and respond accordingly.

Although they might be a precursor to an assault on the officer, movements of the hands away from the center of the body where the thumb and index finger are not extended are less of a threat than movements where the thumb and index fingers are moving to the center of the body.

FORECAST HAND MOVEMENTS

One underutilized technique is forecasting the hand movements of a contact. For example, if you want to determine the identity of a contact, you will typically ask for a

WATCH HANDS

driver's license or another form of identification. Instead of saying, "I need to see your license," say, "Where do you keep your identification?" You need to know where the suspect's hands will be going in order to perform the requested action. You also should ask, "What form of ID do you have?" There is a big difference between someone saying, "I keep my driver's license in my wallet," and "I keep my release from prison paperwork and my parole card in my wallet." In either case, you need to know where the suspect's hands are going.

The reason this is so important is a person makes the same hand motions to get a wallet from his rear pocket as he would to access a weapon from the same area. First, the thumb and index finger move toward the center of the body. Next, the elbow moves out away from the body. You don't want to overreact to a movement that you told the suspect to make.

A better option is to forecast the movement, and to have the subject turn sideways so you can see what he is retrieving from his pocket. Tell the subject to use only his thumb and forefinger to slowly remove his wallet. Once the wallet is out, tell him to remove his identification. Many agencies do not take wallets from contacts prior to arrest. This is a good practice because it limits the subject's ability to allege that an officer took something, like money, from the wallet during the initial contact.

A MORE COURT-DEFENSIBLE TECHNIQUE

In court, your actions are judged by citizens who have little or no law enforcement experience. You may be interested in securing a conviction, or you may be defending the actions of another officer. Either way, having a definable system of how officers are trained to watch the hands makes it easier to explain to a jury or a judge why you thought an offender was accessing a weapon.

It's not enough to say, "I couldn't see his hands." You need to be able to explain to a jury what not seeing the subject's hands meant. What were his hands doing? How did you interpret these movements and why? What actions were appropriate for that moment? If you can explain that the subject's thumb and index finger moved toward the center of his body and his elbow moved away from the body, and that these movements are often indicative of weapon retrieval, the judge and jury can better understand your reasoning and actions.

TRAINING METHODS

One way to integrate this concept into training is to create scenarios that expose the trainee to subjects who make motions that are indicative of accessing a weapon. This approach allows the instructor to see how the trainee responds.

After the scenario, the instructor asks the trainee to articulate what movements the suspect made that caused her to believe the suspect was accessing a weapon. After the trainer determines the student can recognize weapon retrieval movements, the trainer evaluates the tactics and techniques the student used to neutralize the threat. An important element of this training is to encourage the student to verbalize her instructions to the subject. The student should also consider verbalizing the fact that she is concerned about the subject's hand movements.

USE AN AUDIO RECORDER

I am a big advocate of officers using audio recorders. In almost all circumstances, they help in civil and criminal investigations. It is important to remember that recorders do not record what you do not say. I have never attended a defensive tactics training course that included activation of the recorder as part of the "real time" tactics training. Why not?

WATCH HANDS

There have been numerous times when I have made statements to suspects because I was recording the contact and I wanted the person hearing that recording at a later date to understand what I was seeing. Make statements like, “I see that you are making a fist. Let’s not go there. You and I don’t need that kind of trouble.” Make these statements for the person, usually a supervisor, who will be conducting the use-of-force investigation if the situation deteriorates.

Imagine two officer-involved shootings, both captured on audio tape, where the actions of the suspect are identical. In the first shooting, you hear the officer struggle with the suspect and then the gunshots. In the second shooting, you hear the struggle, but this time the officer says, “Keep your hands away from your waist,” followed by, “Partner, he’s getting something!” and then gunshots. Which of these incidents is easier to defend in court, the media, and public perception?

WATCHING THE HANDS CAN SAVE YOUR LIFE

Dr. Bill Lewinski of the highly respected Force Science Research Center co-authored a study with Dr. Joan Vickers titled “Gaze Control and Shooting Performance of Elite and Rookie Police Officers During a Force-on-Force Encounter.” Veteran officers who were studied directed their attention to the suspect’s gun hand or arm. In other words, they were better at watching the suspect’s hands, especially the gun hand. This skill allowed them to perform at a higher level and to react to deadly encounters more efficiently and effectively than rookie officers. Effective hand watching can increase the likelihood of an officer surviving a lethal force encounter.

There is no foolproof method for knowing when a suspect is obtaining a weapon. You must use common sense and choose reasonable solutions to difficult problems. I have provided several techniques for how to tackle this important issue. By implementing these techniques, rookie and veteran officers can avoid becoming FBI statistics. ☉

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SURVIVING FOOT PATROL

Walking a beat requires a different mindset and different tactics than driving one.

TOM WETZEL



When on foot patrol, keep your head up. A lot of people are in the habit of walking with their heads down.

EMERGENCIES ON THE BEAT

Due to limitations on the mobility of foot patrol officers and lack of cruiser availability during emergencies, departments need plans in place for evacuation or protection of foot patrol officers in case of a riot or other large-scale problem in the area of their beats.

The emergency evacuation plan can take the form of an informal policy or a written directive.

Either way officers who walk the beats and the responding officers need to train together to ensure smooth cooperation and coordination during the emergency.

Prior to the development of the automobile and subsequently police cruisers, if cops weren't on horses, they were walking a beat.

The benefits of foot beats are many and this type of patrol should be a fundamental aspect in any community policing model. But after being directed to an assigned area or neighborhood to walk, an officer and his or her department should have sound strategies in place for how best to accomplish this mission in a safe and productive manner.

CLOTHING AND FOOTWEAR

Having a good pair of shoes is naturally an important component of any foot patrol function. If this assignment is full-time, you should be permitted to purchase athletic shoes or specific shoes made for long walking.

Tactical boots are not the preferred shoe of choice for this assignment. Even though manufacturers have made a lot of advances in the design of police boots and made them much lighter, boots just aren't made for the high mileage that a foot patrol assignment involves.

An agency must recognize that when assigning an officer to a foot beat that officer will likely go through more shoes than if he or she was patrolling in a cruiser. If your department provides a clothing allowance, it should include extra funds for purchasing athletic shoes, which can get pretty expensive.

Clothing for foot patrol officers needs to be lightweight and designed for comfort and coolness in the summer months. Shorts and polo-type shirts can provide this type of benefit and still allow for a professional presentation.

FORCE OPTIONS

Having lots of use-of-force options is especially important for an officer on foot patrol. You won't have a cruiser to use as cover or provide for a quick tactical retreat.

Your duty belt needs to be equipped with pepper spray, electronic control devices, a control baton, and your duty weapon. You should also work regularly on defensive tactics techniques.

As communications with your agency dispatch center or patrol units are vital, as a foot patrol officer you need to have good portable radios and at least one backup battery. You also need a cell phone.

DIRECTIONLESS DIRECTION

Once you begin a foot patrol assignment, it is important to develop a strategy that provides a consistent officer presence without an obvious routine that can be recognized.

By following a different daily path as a course of action, you can patrol using a "directionless direction" model. This model involves beginning at a different spot at the start of each shift and then following a different pattern of movement with concentration on areas of concern within a neighborhood or district. This could be done on a random basis or involve charting a course of movement for the week.

When walking a course, periodically stopping, turning around and going back in the same direction can present an opportunity for surprise. If a suspect sees you walking down a street, he or she is likely to assume that you will continue in that direction. Even if he thinks you may loop back around a block, there may be a perception of a window of time to commit a crime. Sudden rerouting may thwart these opportunities.

The demands of the shift such as call volume and the people you encounter will likely

FOOT PATROL



Occasionally stop walking and listen to what is happening around you. You will be surprised by what you hear.

alter specific courses that you planned. This is to be expected and should be considered an aspect of the directionless direction model.

FOOT PATROL PRECAUTIONS

When walking a beat, look for objects and locations that can provide you with needed cover. By doing this enough times, you will help engrain these opportunities in your mind so that under stress, you may use them instinctively.

Get used to walking wide on corners when you walk a beat. This allows you to casually “slice the pie” as a manner of routine and look natural doing so.

When teaching self-defense programs, I tell participants to get in the habit of having their heads in a horizontal plane instead of looking down when walking to their cars. Too often, people get deep in thought and look downward at the ground as they walk. On foot patrol you could fall into the same habit. Looking at a more level position allows you to scan farther and recognize dangerous situations more quickly.

Periodically stopping and listening is also important. Your ears may become attuned to the rhythmic sounds of your steps and equipment jostling while walking for long periods of time. By not moving for a few moments, your mind and ears may pick up on distant sounds that could be signs of trouble.

GATHERING INTEL

Scanning the interiors of restaurants or businesses when walking by them or prior to entering them can allow you to note anything unusual. A benefit of regular foot patrol can be recognizing what and who looks out of place, which leads into an important benefit of foot patrol. Recognizing unusual behavior at specific spots as well as getting to know the people on your patrol beat gives you an excellent opportunity to gather intelligence on possible criminal behavior within that area.

Citizens and police officers through time and trust can develop a “we” relationship when working to keep a neighborhood safe. This symbiotic relationship, which is vital to any community policing effort, can chip away at the “us vs. them” attitude that can manifest in different neighborhoods based on a history of mistrust between police and those they serve.

By getting out and talking with people and business owners, you can establish relationships where citizens feel comfortable telling you about what and who concerns them. In time you will have your finger on the pulse of a neighborhood and be able to serve it better.

But be cautious chatting up the locals. You do not want to endanger the residents who provide you with information. These citizens have to live and/or work in the neighborhood and talking to a cop could cause a problem for them. The intelligence you gather from them should be used judiciously and generally used to support other more formal information you’ve learned

TAKE THE HIGH GROUND

Walking a beat should not be limited to ground level action. If your areas of patrol include multiple story buildings or higher natural elevations, you should periodically observe your beat from high ground.

Getting above street level allows you to see the area you patrol from a different perspective. This perspective may allow you to plan your routes better, observe criminal or suspicious activity, and note possible hiding spots for suspects.

FOOT PATROL

CONDITIONING IS CRUCIAL

Depending on the type of assignment, full time or as part of a periodic assignment, if you've been assigned to foot patrol you need to pace yourself. A casual and steady walking pace will allow you to absorb more information and listen better. Walking too fast may wear you out more quickly and limit your energy if you suddenly get involved in a running foot chase.

For pacing purposes, it is important to take time to stop or sit for awhile. This gives your legs a chance to rest and relieves some stress on your knees.

One of the health benefits of foot patrol is the exercise. For tracking purposes, purchase a pedometer to see how many miles you log while on shift. You are essentially working and working out while on duty and this can be a real win-win for you and your department.

The benefits of foot patrol are many. Officers walking beats can contribute to an added sense of security within a neighborhood and enhance the harmony between police officers and those they serve. Having strategies to implement this patrol function can benefit the officers, their agencies, and the communities they serve. Police officers on foot patrol should not just be sent out to walk a beat but should instead be sent out "walking with a plan." 🌀

Tom Wetzel is a northeast Ohio suburban police lieutenant, SWAT officer, trainer, and certified law enforcement executive.

STOPPING GUN GRABS

Good weapon retention begins at first contact and requires you to use solid tactics.

| MIKE "ZIGGY" SIEGFRIED



Standing in the suspect's blind spot allows you to have a better view and quicker reaction.

When you make contact with any suspect, there is always a firearm involved. It's on you. And it can be turned against you.

Every year the FBI publishes a report titled "Law Enforcement Officers Killed and Assaulted." This detailed document gives the law enforcement community valuable information about the circumstances and trends in assaults on officers. In 2008, 10 percent of officers killed with a firearm were killed with their own handgun. In the past few months, Officer Ryan Bonaminio of the Riverside (Calif.) Police Department and Dep. Sam Brownlee of the Weld County (Colo.) Sheriff's Department were both killed when they lost control of their duty firearms.

CONCEPTS AND TECHNIQUES

When asked to demonstrate weapon retention, most officers place both hands on their holstered handgun and move their hips violently from side to side. This technique is good. But before you are able to react in this manner, the suspect can bridge the open space between you, lower his shoulders, and extend his hands to touch your holstered firearm. So why don't officers use a technique that provides a faster reaction? The short answer is they were trained not to.

In many academies, weapon retention is taught by an instructor who says, "The key to weapon retention is to keep your handgun in the holster. Now, let your training partner get close and put his or her hands on your gun, then react." This type of training engrains into your muscle memory the concept that you have to wait until the suspect gets a hand on your weapon before you can perform a weapon retention technique. This type of training ignores the concept that you should not let a suspect get anywhere near your duty belt in the first place.

There should be a balance between teaching techniques and concepts. The basic concept is to not let anyone near your gun. If someone does get near your gun, push the person away and prepare to use one of your weapons. If you cannot push him or her away, keep your weapons on your belt and out of the suspect's hands. Teaching concepts provide the why, distance provides the when, and techniques provide the how.

THREE SECONDS

In training, officers often say, "If they go for my gun, I will just shoot them." But what if you do not have time? Drawing and accurately firing a handgun takes time, which you might not have. A common reference point for reaction time is 1.5 seconds: the time it takes most human beings to realize there is a serious problem. It takes the average officer another 1.5 seconds to draw a firearm and fire the first shot.

How much damage could a suspect inflict in the 3.0 seconds it takes for an officer to recognize, react, and fire the first shot? I have seen many mixed martial artists knocked out in less time. Even an extremely slow runner could get to an officer before the officer can get their first shot off.

A five-year FBI study, "Violent Encounters: A Study of Felonious Assaults on Our Nation's Law Enforcement Officers," confirms that victim officers hit the suspect only 40 percent of the time in deadly encounters. Additionally, if the suspect gets to the officer before the officer gets his firearm out of the holster, the officer will have at least one hand down. Having one hand down when fighting can have devastating consequences.

Law enforcement trainers need to take a good look at how we teach and train for weapon retention. A layered training approach first addresses concepts, then focuses on

GUN GRABS



Your legs are longer and stronger than your arms. You can use them to push the suspect away from your firearm and give you time to react.



Pushing with both arms can disrupt a suspect's balance and prevent a gun grab. It can also buy an officer enough time to react with an appropriate weapon from his or her belt.

four areas: defending with space and angles, defending with the legs, defending with the arms, and keeping the firearm secured in the holster. This concept of firearm retention has been referred to as “defense in depth.”

OPEN SPACE AND ANGLES

From a modern firebase in Afghanistan to an ancient castle, the first layer of defense is a large open area from which the defender can see the enemy coming and engage them from a distance. This open space concept can also work for individual officers.

You will have a better field of view and more time to react to any threat posed by a dangerous suspect, if you keep the suspect at a distance. Although every situation is different, a good rule of thumb for a minimum distance is five feet. Greater distance is better; however, at five feet you can deploy most of the common weapons on your duty belt, including your TASER, baton, chemical agents, and firearms. Space equals time. Time equals better decision making. Better decision making increases your chance for victory.

One under taught aspect of weapon retention is angles. When talking with a suspect, it is a good idea to angle to his blind spot.

Tell the suspect to look forward and stand in his blind spot in a field interrogation position (balanced stance with your firearm back). The suspect will be forced to move to engage you, if he is intent on an assault. This movement will give you valuable reaction

GUN GRABS



Use both hands to keep your gun in your holster until you can get the suspect's hands off it.

time that you would not have if you were standing in front of the suspect. With so many people training in mixed martial arts, wrestling, and jiu-jitsu, you may be surprised by the speed with which you can be taken to the ground and controlled, especially if you are in front of the suspect.

DEFENDING WITH LEGS

Legs are longer and stronger than arms and are also closer to the suspect. By using your front foot, you can keep your gun side back and away from an aggressor.

One effective technique for using the leg is the front foot push. Target the suspect's pelvic region, including the lower stomach, hips, groin, quadriceps, and knees.

Raise your front foot as high as it comfortably goes, then push down as if you are stepping on the gas pedal of a car. By using less of a kicking motion and more of a downward push, you can deliver great force while remaining balanced.

DEFENDING WITH ARMS

By simply pushing the suspect away, you can keep the suspect away from your weapon.

Place your hands under the suspect's chin and force the aggressor's head back, directing the suspect's eyes away from you. An added benefit to this technique is that the suspect will be forced onto his heels and will be less mobile. This pushing motion can be combined with moving off line in a circle step motion to force the suspect to turn to engage you.

THE CLASSIC APPROACH

Sometimes the oldies are the goodies. In the case of weapon retention, the classic two-handed weapon retention technique still saves lives.

This simple move starts by placing the palm of your dominant hand on the top of the holster trapping the firearm inside the holster and keeping the suspect from removing the firearm. Almost simultaneously, bend your knees and drop your weight. Next, place your off hand palm quickly on top of the dominant hand so that both hands work in unison to keep the firearm in the holster. Move your hips violently away from the suspect using leverage to strip the suspect's hands off of the holster.

A common error many officers make when doing this technique is to not protect their entire duty belt. They lift up their non-dominant elbow giving the suspect access to other weapons on the duty belt such as a TASER, baton, or chemical agents.

When doing this technique, keep both of your elbows close to your body. This will make it difficult for the suspect to take any weapons from your belt.

None of these techniques are complicated; all are based on gross motors skills that can be performed under critical stress incidents.

Far more important is to remember the concept of creating tactical distance using the gross motor skills of pushing.

Put more simply, push the crook away from you as soon and as fast as you can using any part of your body you can do it with. Once you have done that, use the appropriate force option to win the confrontation. Don't let them get their hands on your weapons. It is all about going home at the end of your watch alive. ☯

Mike "Ziggy" Siegfried is a detective, academy instructor, and use-of-force subject matter expert with the San Bernardino County (Calif.) Sheriff's Department.

DYNAMIC TAKEDOWN TECHNIQUES

If a suspect attacks you during a search, use these moves to take him to the ground.

| JAMES HARBISON

Year after year, statistics compiled by the FBI consistently reaffirm the dangers of our profession. Law enforcement officers all have one thing in common: ultimately, we or those we train and supervise must deal with the bad guys. When we do, we are putting ourselves at risk. To offset those risks, we use many resources including technology and training.

When it comes to training, most of us don't get enough. So the training we do get must be practical, effective, and efficient. This article will provide you with two techniques you can use to keep yourself safe when dealing with suspects who become resistive or combative during a pat search.

In my previous article, "Safe Searching: the Standing Basic Search" (March 2011), I covered the concepts and mechanics of performing a safe pat down or Terry search for weapons. As I stated, searching persons for weapons is a high frequency activity for law enforcement personnel. One of the risks I addressed in my previous article was the risk of attack from the person you are searching, while you are searching him or her. Using the standing basic search gives you the ability to minimize your risk, and maximize your options when the person you are searching initiates an attack.

REVIEW

Before we discuss our options, let's quickly review the primary components of the standing basic search. Remember, you want your search to be safe, effective, and expedient. To ensure this, focus on controlling the suspect through proper body position, limiting the person's mobility, and controlling the hands. When properly executed, the standing basic search position can minimize the suspect's ability to escape or attack.

One point to consider is the way you control the suspect's hands. Remember, it is critical to both "lace up" the fingers of the interlocked hands, and anchor them to the base of the skull, maintaining downward pressure throughout the search. This reduces the suspect's ability to quickly escape by turning toward you and ducking under your hands.

OPTIONS

Once you have initiated your standing basic search, what can you do if the suspect tries to escape or initiate an attack? The universal answer is and should always be: it depends.

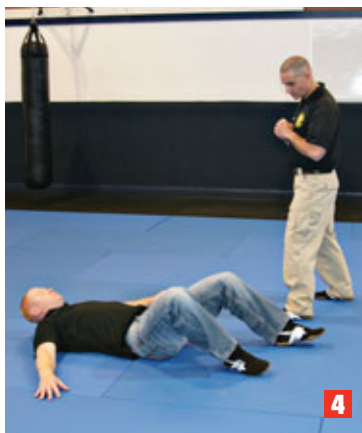
What does it depend on? Many things, which can be broadly categorized to include the suspect's actions, your actions, and your environment. But under most circumstances, you should be looking at several options, ranging from verbal commands to transitioning to control holds or takedowns, and/or disengaging and transitioning to other force options (e.g. personal body weapons, impact weapons, chemical agents, electronic control devices, or firearms.) The level and type of force you choose will always be situationally determined, and must be reasonable and justified under your agency's policy and the law.



(1) Start from the Standing Basic Search position. Note the downward pressure on the suspect's hands to anchor them in place and slow down escapes. (2) To initiate the Rear Pull-down, step out of the hole and pull the suspect's hands backward and downward, breaking their vertical plane.



(3) Continue pulling as you rotate your hips and shoulders, driving the suspect into the hole. (4) Recover to a preparatory position.



TAKEDOWN TECHNIQUES



(1) Starting from the Standing Basic Search Position, (2) initiate the takedown the same as you do in the Rear Pull-down. (3) Use your free arm to wrap and compress the suspect's arm. (4) Quickly drive your hips and shoulders toward the hole, taking the suspect with you.

For the remainder of this discussion, I'll focus on one of your options: taking the suspect to the ground. The takedowns we will examine are designed to disorient and temporarily incapacitate the suspect to help you quickly and safely establish a greater level of control. Taking a suspect to the ground can potentially cause her injury, and therefore should always be objectively reasonable under the circumstances.

THE TAKEDOWNS

We are all innately wired for forward movement. Your balance and equilibrium are more adversely affected when your vertical plane is broken in a backward direction. Therefore, from the standing basic search position, you can employ these two simple and dynamic takedown techniques to effectively overcome the suspect's resistive or combative actions. Both operate under the same principles of body mechanics, differing only in the amount and type of control you will establish once the suspect is on the ground.

The first and simplest of the two techniques is the Rear Pull-down. The key to this technique is quickly and forcefully breaking the suspect's vertical plane simultaneously backward and downward; gravity will do the rest. This technique results in a disengagement from the suspect, affording the opportunity to transition to other force options or methods of control.

The second technique is the Rear Pull-down with Arm Compression. This technique is initiated in the same way as the Rear Pull-down, but enhanced with a controlling movement to assist with the take down and to further control the suspect once she is on the ground. Let's look at each technique in detail.

REAR PULL-DOWN

The Rear Pull-down can be initiated from the standing basic search position regardless of which hand you are using to control the suspect's hands. The key is to use that hand to break the suspect's vertical plane both backward and downward simultaneously, while you use your footwork to "open a hole" for the suspect to fall into.

In this case, where the head goes, the body will follow. Because you are controlling the suspect's hands, which are connected to his head, you are able to quickly and efficiently move his head and spine backward and downward, breaking his vertical plane.

TAKEDOWN TECHNIQUES



- 5** Keep the suspect's arm compressed and immobilized.
6 Transition to a Prone Control by placing your compressing hand on his elbow, while your locking hand controls the wrist.
7 Drive the suspect's elbow toward his head, while pulling his wrist across his body.



- 8** Once the suspect is prone, reach under with your driving hand and take control of the suspect's wrist. Pull the arm up and toward the suspect's head until his shoulder locks.

As the suspect begins to fall, you let go of his hands, adjust your stance appropriately, and prepare to initiate your next action. If you need to generate a little more force to initiate the takedown, bring your free (searching) hand to the suspect's elbow and push downward as you pull his hands.

REAR PULL-DOWN WITH ARM COMPRESSION

The Rear Pull-down with Arm Compression can also be initiated from the standing basic search position regardless of which hand you are using to control the suspect's hands. Use your controlling hand to initiate backward and downward movement of the suspect's hands and head. As this occurs, use your free (searching) arm to wrap around the suspect's arm, midway between the suspect's wrist and elbow. Quickly move your controlling hand to a supporting position on your wrapping wrist, locking down and compressing the suspect's arm.

Depending on which arm you are compressing, relative to your stance, you may have to adjust your feet to facilitate the arm compression and/or open the hole for the takedown.

Once the arm is compressed, drive your hips toward the hole, bringing the suspect to the ground forcefully. Once on the ground, maintain control of the suspect in the arm compression position long enough to disengage or, preferably, transition into a shoulder-lock prone control.

SIMPLE YET EFFECTIVE

Whenever you deal with people who have a potential to harm you, your safety is paramount and control is the key. Once you have established control over a person using the standing basic search, if the person's resistive or combative behavior necessitates that you establish greater control, one of your options is to take him to the ground. The two takedown techniques presented here are simple in concept and execution, and effective in application. If you don't use them already, give them some consideration. Above all, stay safe and in control. ☯

Lt. James Harbison is the Basic Academy Director at the Contra Costa County (Calif.) Office of the Sheriff Law Enforcement Training Center. He has been teaching law enforcement defensive tactics at the academy and advanced officer levels for more than 21 years.

CHOKESCAPES

You'll want to know how to get out of a choke hold if you find yourself up against an MMA aficionado.

| JAMES HARBISON
| PHOTOS: JIMMY LEE

Mixed Martial Arts (MMA) is a dynamic and entertaining combat sport whose popularity has grown significantly over the last decade, and this multi-million-dollar business appears here to stay. This brings both opportunity and challenge to law enforcement officers. We have the opportunity to learn MMA techniques and training methods that are useful to us. Our challenge is to recognize that we are facing aggressors who have been trained formally in MMA or, at the very least, informally by the entertainment industry that promotes this martial art to use techniques such as choke holds. So how do we meet that challenge? The answer is simple: training.

TRAINING PERSPECTIVE

MMA practitioners commonly use choking techniques to defeat their opponents. In a match if you are being choked by your opponent you can “tap out” or submit to end the attack before you go unconscious or suffer a severe injury. Law enforcement officers do not enjoy this luxury.

The consequences of your being “choked out” or rendered unconscious are severe. Your aggressor can have his way with you and the weapons on your belt. The danger to you, your fellow officers, and the public is obvious. A choke attack should therefore be considered a critical attack and you should train yourself accordingly. We are going to take a look at two popular choke techniques used effectively by grapplers and MMA practitioners: the rear naked choke and the guillotine choke.

Before we do that, keep in mind two things. First, nothing will replace well trained fundamental skills. We are often looking for the “ultimate method or technique” or the “surefire solution” to our problems. The reality is that where officer safety is concerned, what rules the day are basic fundamental skills developed through consistent, high-quality training. Regardless of what method of defensive tactics or arrest control you use, there are several fundamental skill areas you must develop and maintain at the highest levels throughout your career. Awareness, balance, control, timing, and distance are but a few of these fundamental skills. No technique or weapons system can replace these, including the choke escape techniques we are about to look at.

Secondly, it is frequently pointed out that many if not the majority of the altercations officers are involved in end up on the ground. Assuming this is true, does that make you a “ground fighter?” Be careful if you answer “yes.” True ground fighters prefer to be on the ground and are comfortable on their backs. They can turn an inferior position (on their backs) into a superior position with well-practiced techniques. These can surely be useful skills to have. However, we don't fight in padded rings; we don't have referees. And while we have rules, our aggressors do not. When we do fight, we are usually wearing weapons which, if taken from us, can be used against us with lethal consequences. Perhaps most importantly, even the best ground fighter who ties up with an aggressor on the ground will have a difficult time dealing with a second or third person joining the fight. Multiple aggressors are a reality law enforcement officers consistently face.

Many of the young men and women I teach in the Basic Academy program at the Contra Costa County (Calif.) Office of the Sheriff Law Enforcement Training Center already have very impressive martial arts/combat sports backgrounds. Some are even a tough match for my instructors, one on one. The game changer comes when I introduce a second and third aggressor into a combative training exercise. I do this to prove my point that once you tie up with an aggressor on the ground, you become vulnerable to

CHOKE ESCAPES

multiple aggressors. Your weapons can be taken from you more easily, and you are susceptible to brutal and vicious strikes such as kicks and stomps. The more quickly you can escape or transition to a dominant position that gives you both stability and mobility, the safer you will be.

I say all this to underscore the notion that even with excellent grappling or “ground fighting skills,” your training and your mindset should be geared toward controlling aggressors in ways that minimize risk to you. You will notice that in both choke escape techniques presented here, the emphasis is on escape, both from the immediate threat and from a compromising, prolonged engagement on the ground.

REAR NAKED CHOKE ESCAPE

As practiced by law enforcement, the rear naked choke technique is commonly referred to as the carotid restraint or lateral vascular neck restraint. Done correctly, it is not a true choke, in that it does not impede breathing by compressing the airway. Rather, it restricts the flow of oxygenated blood to the brain, which is arguably worse for you because unconsciousness comes relatively quickly.

Remember, if someone uses this technique on you and renders you unconscious, you cannot defend yourself or others, and as such, your aggressor can cause you serious bodily injury, or worse, kill you. To avoid this, you’ll need to employ four key principles:

- **PROTECT** the neck
- **SET UP** the escape
- **MOVE** to the non-choke side
- **ESCAPE** to a position of advantage

There are several positions your aggressor can establish to use this technique. Perhaps one of the most difficult to escape from is when your aggressor is behind you with a full wrap on your neck, and both legs wrapped around your waist. Here’s what you do:

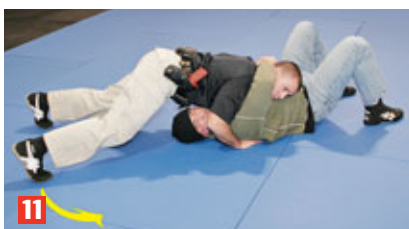
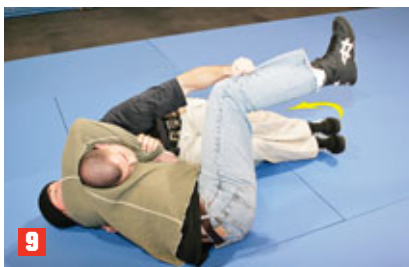
1. **PROTECT** the neck. Use both of your hands to pull downward on his wrist and/or forearm. At the same time, tuck your chin to your chest. Pull hard to relieve as much pressure as you can. Remember, time is of the essence, so establish wrist or forearm control as quickly as you can.
2. **SET UP** your escape. To do this, plant your feet and push yourself backward. Use your body weight and leverage to get your head even with or beyond your aggressor’s head.
3. **MOVE** to the non-choke side. Bring your shoulder on the choke side to the ground on the non-choke side. Resist the temptation to roll onto your stomach. An experienced grappler will roll with you and onto your back, continuing to apply pressure to your neck.
4. **ESCAPE** to a position of advantage. Use a hip escape, bringing your legs outside the aggressor’s legs.
5. Maneuver to a superior position. You can now transition to your feet or another force option.

GUILLOTINE CHOKE ESCAPE

The guillotine choke is a true choke because the aggressor is applying pressure to your windpipe. This is a dangerous technique to be on the receiving end of and, like the rear naked choke, should be considered a critical attack. There are a variety of positions and variations of this choke, but let’s look at one of the more difficult ones to escape from. The aggressor has you on the ground with a full wrap around your neck and his legs around your waist. Again, employ the same four key principles: **PROTECT** the neck (throat), **SET UP** your escape, **MOVE** to the non-choke side, and **ESCAPE** to a position of advantage. Here’s what you do:



CHOKE ESCAPES



6. PROTECT the neck (throat). Bring your hand on the choke side to the aggressor's wrist and/or forearm and pull downward. Turn your head toward the aggressor's body and reach over the aggressor's shoulder with your free arm.

7. Walk your feet toward the aggressor, keeping them close together. Get your hips up high so that your weight is coming downward on your shoulder, which is pressing forcefully into the aggressor's neck and face. This helps relieve the pressure on your neck and throat.

8. SET UP your escape. Use your hand and forearm to drive down the aggressor's inner thigh on the choke side. You are trying to "break" the lock the aggressor has around your waist by driving his legs below your hips.

9. MOVE to the non-choke side. Scramble or simply fall to the non-choke side, clearing the aggressor's legs.

10. Continue moving your feet away from the aggressor, into a side control position. Drive the aggressor's chin to his choke side shoulder to loosen his choke hold.

11. ESCAPE to a position of advantage. Sprawl and rotate around the aggressor's head to begin breaking his choke hold.

12. Continue moving to the choke side to break the choke hold and assume a superior position. You can now transition to your feet or another force option.

CONSIDER THIS

My training team and I recently taught these choke escape techniques to 600 law enforcement officers, almost all of whom were not MMA practitioners. Mastery of the techniques was not the goal. Creating an understanding of how critical a choke attack is and demonstrating the key principles of how to defend against it were the objectives. To that extent, we succeeded.

During the training, some officers raised interesting questions such as, "If it's a critical attack, why don't we just draw our gun and shoot the person trying to choke us?" That is clearly a decision that has to be made by the individual officer, and the wisdom and effectiveness of such a decision depends in large part on what stage of the choke attack you find yourself in. We presented these escape techniques in close to "worst case scenarios," where the aggressor had already maneuvered the officer into an inferior position with the choke set and imminent. In these positions, I believe the time it takes to draw and shoot a gun that is already partially blocked by the aggressor's legs is potentially greater than the time it would take to render you unconscious. That being said, we trained officers to mitigate and escape the immediate threat of the choke before attempting to introduce an unholstered gun into the fight.

WATCH MMA FIGHTS

Developing and maintaining your awareness of the threats you face on the job is the first step to ensuring your safety. Proper training to address those threats is the next step. If you are not currently paying attention to the MMA scene, please do so; it's amazing what you can learn just watching a few fights. Then, consider the points I have presented, and look for ways you and your co-workers can enhance your personal and departmental training to address the opportunities and challenges MMA brings to law enforcement. ☉

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LAST-DITCH IMPACT WEAPON TRAINING

Most of the tools on your duty belt were not designed to be impact weapons, but they can be very effective if you know when and how to use them.

TOM WETZEL

One of the concerns with basic law enforcement training in this country is that it doesn't always teach officers what to do when things go wrong.

Murphy's Law states that if something can go wrong, it will go wrong. And soldiers will tell you that "Murphy never sleeps" in combat. Things are always going wrong, and those things get people killed. The same is true for police officers on the streets of Anytown, USA.

You can't expect your equipment to always function exactly like you want it to. You have to be ready to react when things go wrong. So training for weapon malfunctions of handguns, electronic control devices (ECD), and OC canisters should be a common practice within police agencies.

Handgun malfunctions and how to clear them probably were included in your law enforcement training. You should be prepared to do these actions without much thought because, depending on the situation, you may not have much time to clear a jam and get back into the fight.

But what happens if that time is reduced even further and a suspect has closed in on you to a point where you do not have time to clear a jam, replace an ECD cartridge, or re-holster a canister of OC spray? Training to use your force option tools as impact weapons may help prepare you for such an encounter and could help stop or slow an assault against you.

HANDGUN STRIKES

Your handgun is obviously not a primary impact weapon. You are not going to use it to subdue a suspect in substitute of a baton strike. That would be reckless. But if you are intending to use deadly force and your weapon malfunctions, you can end up in a position where your only option may be to strike an attacker with your gun.

Striking someone with a handgun is not an action to be taken lightly. It should only be done when you have no better alternative because doing so puts you at risk of losing your pistol to an assailant. It can also cause serious injury to the subject, especially if you strike him or her in the head. And it could discharge, if the jam clears with the impact.

A handgun strike is a desperate, last-ditch defensive measure, but nonetheless, it's one you should practice. If you haven't trained to perform this action, you won't be able to do it successfully when you need it.

You have to commit to this move. Awkwardness and tentativeness can result in disaster. You also have to be aware of weapon retention concerns before you make this strike. Dropping your gun or having it taken away are very real possibilities, and your trainer should discuss them with you.

The purpose of striking an assailant with your handgun is to stun or stop him or her. It's a delaying action intended to give you enough space between you and your attacker to clear your weapon malfunction or perform a reload and get back into the fight.

When teaching techniques and directing training drills using handguns (NOTE: For safety, use colored gun replicas such as a Blue Gun), your trainers should have you practice strikes from standing and ground positions. The best target area for these strikes is



PHOTOS: TOM WETZEL

If deadly force is warranted and your gun malfunctions, you may have to strike the subject with it.

IMPACT WEAPON TRAINING

the head, which could disorient or knock out a suspect. As discussed before, head strikes can cause severe injury and even death, but remember you are already in a deadly force situation.

And the head is not the only effective target for a handgun strike. You can stun or stop an attacker with a strike to the solar plexus, groin, or throat. The appropriate target is dependent on your position relative to the attacker.

Emphasis should be placed on controlling the handgun with a solid grip and preventing the barrel from facing you when striking with a handgun. If that malfunction clears itself during the struggle, you don't want the muzzle covering you.

Strikes can be practiced in an open form and also against a heavy bag or training mannequins using replica guns such as Blue Guns. The drills should be conducted at a slow pace at first and then pick up speed as you get better with the technique's form. Some techniques to consider are the following:

★ **Punching with the Barrel**—In a standing position practice straight punches with the barrel facing the subject. This strike can include a turning of the fist as this follows a typical punch configuration. After the standing position, move to the ground and practice upward and side strikes with the same technique.

★ **Punching with the Bottom of the Handle**—Depending on the proximity of the assailant, a strike with the butt of the weapon may be effective. Practice directing the end of the handle forward as a strike. When doing so, the barrel will turn to the side or upward.

★ **Forward Snapping Strike**—While holding the handle, direct a snapping forward strike using the barrel like a baton. This type of movement may allow for quick repetitive strikes. Upward or reverse snapping strikes can also be practiced.

ECD STRIKES

ECDs, such as stun guns and TASERs, are primarily used in non-deadly force incidents in which you need to control a subject and take him or her into custody. Consequently, they are rarely used to strike subjects.

But use-of-force encounters can change instantly and go from control situations to deadly force situations. So it is imperative that you know how to use an ECD as an impact weapon when things go wrong. ECDs can fail when you need them most. And when that happens you may not have time to draw another weapon and stop an assault. So you may have to use an ECD as an impact weapon.

Strikes with an ECD are performed in a similar manner to those using a handgun. However, it must be emphasized that if deadly force is not warranted you should not strike someone in the head with an ECD. As with a handgun, a head strike with an ECD can cause serious injury and even death. So before you strike someone in the head with an ECD, make sure that such a use of force is warranted.

OC CANISTER STRIKES

Like ECDs, OC spray is supposed to be used in situations that do not warrant deadly force. But there are situations where it becomes compromised. Some subjects can fight their way through its effects; you sometimes find yourself with an empty canister when you need to deploy more OC; and sometimes the canister fails to work.

So it's possible that at some time in your law enforcement career, you may find yourself facing an assaultive subject with an ineffective OC canister in your hand. If you can't transition to another weapon, your best option may be to punch the subject with the canister held in your fist.

This is essentially the old roll-of-quarters trick that hoodlums have used for decades.



If an OC canister fails, you can use it as an impact weapon by striking with the side of your fist.

IMPACT WEAPON TRAINING



Flashlight strikes have been outlawed by many agencies. However, when you have no other choice, they're very effective.

You can either punch normally with this combination or position the canister in your hand in such a way that it is sticking slightly out of your fist where the canister makes direct contact with the target area. These techniques are easy to execute, but you still want to practice them on a training mannequin or a heavy bag. (NOTE: Use training canisters for this training so that you do not run the risk of spraying OC in your training area.)

FLASHLIGHT STRIKES

There was a time when officers routinely struck subjects with heavy D-cell battery patrol flashlights. Use of flashlights as impact weapons is now generally discouraged. A heavy flashlight can cause severe injury, especially if it is used to make a head strike. That's why many agencies have policies that prohibit the use of flashlights as impact weapons.

Still, there are times when you may have no other option but to hit a subject with a light. For example, it's not unusual for subjects to attack officers while they are holding flashlights at nighttime traffic stops.

That's why I believe agencies should not prohibit all flashlight strikes. Instead they should train their officers how to perform them properly and effectively with minimal chance of severe injury to the subject, i.e. pressure point control measures, unless severe force is justified.

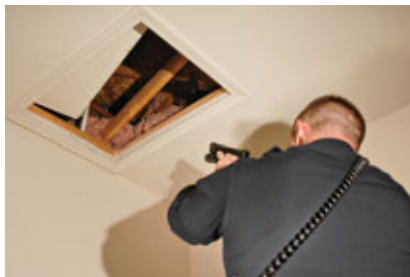
You will probably not have to apply your use-of-force tools in uncharacteristic fashions. Usually they will work as intended. But being prepared to use your weapons as impact tools when they don't work and you have no other options can save your life. ☯

Tom Wetzel is a northeast Ohio suburban police lieutenant, SWAT officer, trainer, and certified law enforcement executive.

INTO THE HEARTS OF DARKNESS

Attics, basements, closets, and crawlspaces all present great hazards to officers searching for concealed suspects.

DEAN SCOVILLE
PHOTOS: ALEX LANDEEN



The close confines of a cluttered attic can be a great hiding place for a suspect and a real challenge for officers.

For some of us fear of the dark is culturally indoctrinated. For others, it's an instinctual echo; the dark was threatening to our ancestors in ways that humans who live their nights under electric lights can barely understand. Today, horror movie directors use our instinctual fear of the dark, toying with audiences before drawing back that curtain of night and revealing the monster so that the fans of such fare can go home having survived a vicarious thrill.

But when cops must face the unknown hazards concealed by the dark, we don't have the luxury of waiting for the credits to roll and the theater lights to come on. What we face in the dark is real and vicious. And the average citizen would be hard-pressed to imagine the fear we experience while poking our heads through a dark attic access or down a gloomy basement stairwell in hopes of divining a suspect's whereabouts.

For an officer, fear of the dark is both reasonable and prudent. Only God knows how many cops have peered into that darkness to find it split by an amber flash.

THE HIGH GROUND

Cops accept the prospect of working in oftentimes dangerous environs, and we train to minimize the risks associated with them. We familiarize ourselves with a variety of weaponry and tactics, practice both live fire and simulation round training, and are exposed to a variety of role playing scenarios. But if there is one area of tactical concern where most cops have perhaps been shortchanged, it is dealing with those dark places where suspects often hide.

Attics are particularly problematic. Not only do they give suspects the high ground and allow them to be anywhere within a 360-degree radius of a portal, but they often find searching officers backlit and precariously situated atop ladders.

Some officers don't get that far.

When officers of the Milwaukee Police Department's Tactical Enforcement Unit descended upon the house of a cop-hating recluse, they anticipated the possibility of being fired upon by the suspect. In a bid to get a bearing on the suspect, they inserted a mirror into the loft and saw that the man was in the process of lighting candles. Despite their attempt to back away, the man was able to douse the officers with a burning fluid. Three officers suffered first- and second-degree burns—two of them to their faces.

Those officers that succeed in gaining entry into attics run the risk of engaging suspects in close, confined quarters. For some, such confrontations have led to bodies crashing through ceilings and resulted in injuries to both the officers and the suspects.

San Bernardino (Calif.) Deputy Sheriff Luke Gayton's first attic entry was a memorable one. Gayton was one of several deputies who narrowed down a search for a domestic violence suspect to the man's attic. A neighbor had advised deputies that he thought the man may be armed, but wasn't sure as he'd never actually seen a firearm: Valuable information to have, but not enough to rise to the level of a SWAT call-out. Requests to a local agency for a K-9 failed to secure one, and in the belief that he'd be able to obtain the quickest overview of the attic, the 6-foot, four-inch Gayton was selected to enter the attic first.

Gayton borrowed a tactical light from another officer, attached it to his gun, and entered the attic. The plan was that he'd search the east side of the attic while his partner would follow immediately thereafter and search the west side.

Gayton noticed footprints in the insulation and followed them. Twelve feet from the attic access, he found a pair of feet protruding from where the suspect had buried him-

INTO THE HEARTS OF DARKNESS

self in the insulation. The suspect's refusal to obey Gayton's demands to show his hands resulted in Gayton deploying his TASER. But the TASER failed to establish contact, which gave the suspect the chance to sit up and point a gun at Gayton.

Yelling, "Gun!" Gayton fired twice at the suspect with his own sidearm. But while stepping backward, the deputy fell and struck his head on a roof joist.

When he saw Gayton fall, his partner thought that the suspect had shot Gayton and returned fire toward the suspect, who again pointed the gun at Gayton. Gayton then shot five more rounds, mortally wounding the suspect.

Gayton's experience illustrates many of the hazards of confronting a suspect in an attic. He dealt with confined spaces, architectural obstacles, ungainly footing, confusing acoustics, and a concealed suspect during his first attic search.

Gayton says the lessons learned that day were taken to heart by his agency. These days, San Bernardino County deputies routinely deploy mirrors into attics before entering them, and Gayton has since safely performed more than two dozen attic searches.

Agencies are also using tactical units more on attic searches. And a recent incident in Jonesboro, Ark., illustrates why that's a good idea.

Jonesboro officers were after an armed rape suspect and they thought he was in a specific residence. They obtained a search warrant for the location and made entry. The search led them to believe he was hiding in the attic. A patrol officer went up through the attic opening where he was immediately fired upon by the suspect. The round was stopped by the officer's ballistic resistant vest and he

was able to return fire, incapacitating the suspect.

Many experts believe a tactical team should have been called in on this operation. After all, most tactical teams have the weaponry, shields, and sophisticated surveillance tools such as pole cameras to mitigate the hazards of such a search.

GOING DOWNSTAIRS

Basements may provide insight to the men who exploit them. Such environments often appeal to those who wish to make their last stand because they have no means of escape.

The Beslan terrorists exploited the school basement during their assault on that institution. A basement was where cop killer Edward Nathaniel Bell barricaded himself after killing Westchester, Va., police Sgt. Ricky Timbrook. It was also a basement that afforded St. Louis County, Mo., Sgt. Richard Eric Weinholt's killer the vantage point by which to ambush the sergeant. In California, Joe Teitgen took refuge in a basement before suddenly darting out its door and shooting Vallejo, Calif., Officer Jeff Azuar in the head, killing him.

Don Alwes of the National Tactical Officers Association (NTOA) says that basements pose unique threats to police officers searching for concealed suspects.

"Probably one of the more dangerous situations is going down a stairway into a basement where the back side of the steps are not closed," Alwes explains. "If the bad guy is behind the stairs looking through and watching you coming down the steps, he's got a huge lead on you. The only safe way to do that is either crawling down on your belly—which isn't very practical—or to use a mirror to try to see behind the steps, or put eyes in that basement some other way. We don't always think about going down the stairs,



When opening closet or basement doors, remember to stay out of the fatal funnel.

INTO THE HEARTS OF DARKNESS



A K-9 or even just the illusion of a K-9 can be your best tool for flushing a concealed suspect.

particularly in a residence, as being a really dangerous situation.”

Alwes cites the recent death of a Kentucky police officer who followed a domestic violence suspect down a basement stairwell. Seeing the officer from such a vantage point, the suspect was able to ambush the officer with an SKS rifle, killing him.

“The deputy got in over his head before he realized he’d been caught in that funnel, and he didn’t survive it,” Alwes says.

RECON AND TACTICS

When it comes to searching for suspects in dark and shadowy hiding places, mitigating an officer’s chances of getting shot starts with getting the lay of the land. Officers want to determine if there is more than one means of entering or exiting the enclosure and what portals may give suspects an eye-line on officers. In dealing with apartments and condos, they need to know if attics or crawlspaces share common accesses. Many times, this knowledge is acquired only incident to a search of the target location. However, nearby buildings with similar floorplans may be used for recon as well.

Visually canvassing the location and recognizing red flags is imperative. Have cobwebs been disturbed around attic portals, or dust pooled on the floor directly below them? Has the trap door been haphazardly replaced or weighed down? Are doors, covers, and other barriers cracked open or bored in such a manner as to allow a suspect to see out, but to preclude an officer’s ability to see in? Has the wire mesh covering a crawlspace access been removed or the ground near it been disturbed?

Answers in the affirmative may dictate a request for a tactical unit to handle the situation, particularly if the suspect is known or believed to be armed; more so if the suspect’s flight was so effectively contained as to leave little doubt that he is in your containment.

An officer who fails to recognize the significance of attics, basements, and crawl spaces may be setting himself up for an ambush. Some will discount the confines as too constricting to accommodate a suspect. More often, they simply fail to look up and notice them.

During training exercises, former Fort Shawnee, Ohio, police chief Rick Rohrbaugh made a habit of dropping empty casings behind those officers who’d strolled beneath ceiling accesses and air conditioning units without looking up.

“Dropping an empty casing behind the students actually scared them worse than shooting a blank,” recalls Rohrbaugh. “But by the time patrol tactics classes concluded, we had graduated bobble heads who’d learned to look up, down, and all around.”

Looking up and recognizing a potential problem is a good start, notes NTOA’s Alwes. Still, he cautions that officers should exploit high-tech alternatives before committing themselves to needless courses of action.

“You have thermal devices that can locate sources of body heat; others that can pick up minute sounds. Throw robots and pole cameras have also determined whether or not a suspect was in a room,” Alwes says. “They’re even developing mechanical sniffing devices that will eclipse their canine counterparts in determining whether or not there’s human life in an enclosed area.”

Alwes adds that even in the absence of such high-tech hardware, cops should try verbal commands before making like Punxsutawney Phil, the famous Pennsylvania groundhog, and sticking their heads up through a hole.

“Sometimes simply yelling, ‘Come on out, we know you’re in there,’ will get them out—particularly if you’re threatening to put a dog in there with them,” Alwes advises.

And as more than one cop has discovered, that dog need not necessarily be present.

INTO THE HEARTS OF DARKNESS

“My partner and I responded to a Burglary in progress at 4 o’clock in the morning,” recalls retired NYPD officer Jim McDevitt. “We were faced with a pitch-black basement where we were pretty sure the suspect was hiding. At the time, only the bomb squad had a K-9 unit, but we suspected that our suspect wouldn’t know that. So, my partner began calling down into the basement, ‘Come on out or I’m sending the K-9 unit in,’ while I started doing my best dog barking imitation. We got the suspect to come out with his hands up.”

In those instances where “olly-olly oxen free” fails to garner the desired results, many law enforcement agencies deem non-compliance with verbal commands as the threshold for pepper spray deployment. Marinating a ceiling with PepperBall rounds or saturating an enclosure with OC spray can make things awfully uncomfortable for the people inside them.

Ed Santos, owner and founder of Center Target Sports and an expert in low-light tactics, suggests that police agencies consider exploiting the acoustics of such closed environs.

“The loud music and noise exploited by psy-ops units in the military can also work for us, as well. It can be exploited on multiple levels—working on the suspect psychologically and tearing at his eardrums, while simultaneously masking our breaching attempts and other efforts, as well.”

One can only wonder how long some good ol’ boy could hole up in a closet with Ghostface Killah’s latest rap opus blaring at 170 decibels, courtesy of six 15-inch woofers and a couple of amplifiers propped up against the door.

LIFE AND DEATH DECISION

In those instances where a suspect’s exact location is in question and patrol officers elect to search dark environs, illumination may prove to be the greatest equalizer.

Santos has long been an avid proponent of tactical illumination, but he offers a caveat to officers as to their choice of lights, citing unanticipated dangers he and his training crew encountered in dealing with A-frame pitched roof attics. “They can create shadows—shadows which can conceal the bad guy’s locations,” Santos says. “And the shadow problem can be amplified when you’re using strobe lights.”

Santos recommends deploying very high-density directed light that will offer as diverse and spread out a pattern as possible and supplementing this illumination with other shielding tools such as portable ballistic shields and smoke.

“I’ve also seen some creative uses of chem lights,” says Santos. “Face it: The more tools that you have at your disposal—tools like infrared, heat sensors, remote cameras—the more you can start shifting the odds to your favor. Because make no mistake about it. If there’s someone up there, the odds are stacked up pretty high against you.”

Because of what he has witnessed in training sessions, Santos figures that, at best, an officer has a 50-50 chance of guessing where the suspect might be in an attic. And given that every one of his students’ attic entries resulted in officers taking hits—irrespective of whether or not the officers guessed correctly—Santos wonders who’d want to try and guess when it’s real bullets instead of simulated rounds.

FATAL FUNNELS

The decision to enter a location is a complicated one. Having the wrong person make the entry can make it more so.

“Many people have phobias of crawlspaces and attics, and police officers are no exception,” notes Santos. “We’ve encountered it in our training. You add the additional stress taken on by that officer as a result of a phobia, and you’ve really upped the ante for making an entry into an attic space. When even SWAT guys have involuntarily stood



Officers need to be especially concerned about suspects under or behind basement stairs.

INTO THE HEARTS OF DARKNESS

straight up and exposed themselves to gunfire after a mouse has run over their hand, you have to wonder how less tactically trained personnel might react.”

Unfortunately, it is usually a less tactically trained officer doing the leg work on such searches.



Basement stairwells are best handled by teams of officers who have been trained to make such an entry.

A vast majority of the time, these searches are conducted without incident. Either the suspect isn't there, or he is discovered and placed under arrest. But often searches find officers confronting armed suspects hidden in attics, basements, and even closets.

Last year in the aftermath of killing two Oakland officers incident to a traffic stop, the shooter was able to ambush and kill still two more officers from a closet where he'd barricaded himself. Earlier this year, a Rockdale County, Ga., deputy became the first officer with his agency to die in the line of duty while searching for a suspect. Officers had cleared the bedroom and were just opening a closet door when the suspect opened fire from the darkness. Struck below his ballistic resistant vest, Dep. Brian Mahaffey was mortally wounded. The suspect was shot and killed.

“One of the things that we see is that when people go to open the closet, they stand right in front of it,” observes

Alwes. “They don't treat it with the same type of respect that they normally might for the front door. They're backlighting themselves and placing themselves smack in the center of the fatal funnel.”

If officers are going to open closet doors, Alwes recommends that one stand to the side and open the door while another officer gets a view from a deeper part of the room.

Should officers elect to make an entry on an enclosure, they may opt for diversions, exploiting secondary entry portals to distract the suspect with flash-bangs or other devices.

If there is more than one ceiling access, one may be exploited as a diversionary device, committing an unseen suspect's attention toward it while entry is actually achieved via another entrance.

“It comes back to the three Ts: time, tactics, and troops,” Alwes asserts. “Sometimes in our haste to catch the bad guy, we fail to honor that old axiom. If you really have him contained up there, what really is the motivation to having an officer stick his head through that opening? There's no hostage situation. He's not in a position to create more havoc. What's the motivation to go through there?”

Santos emphasizes that those agencies that don't have access to tactical teams really need to look hard at that question. Those that do have teams face an even tougher question: Why don't they allow the team to use their training and techniques during such incidents.

“There's always the option of bringing the ceiling down from under him. It just depends on the level you're willing to go to get him. You can bring the ceiling down rafter by rafter. It's very easy to take the drywall down. We've done it twice in houses that were ready to be destroyed. Tac teams have all the equipment. All of a sudden it gets really uncomfortable up there when you start pulling insulation out,” Santos says.

IS IT WORTH IT?

Alwes says there are two questions he has always asked himself before committing himself or his personnel to searches of enclosed venues: First, can I win? Second, is it worth it?



INTO THE HEARTS OF DARKNESS

James Stalnaker, a retired captain from the San Bernardino (Calif.) Sheriff's Office and author of the excellent book "Building Search: Tactics for the Patrol Officer," hopes that cops consider Alwes' two-pronged question before taking action. For to Stalnaker's mind, if there is a greater danger than a lack of training, it is a lack of discipline in patrol officers.

"I'm talking about cops who are unable to control their adrenaline and their emotion," Stalnaker explains. "There's always a human factor that gets an officer hurt or killed."

The cop Stalnaker fears most for is the one who may have had a suspect under control that got away from him. In trying to make some compensatory overture, the embarrassed officer may find himself getting in over his head. "The officer feels that he's been made to look bad in the eyes of his fellow officers," Stalnaker says, "and pride goes before the fall, as they say."

Despite mankind's historical fear of the darkness, there have always been those suspects who have exploited it to their advantage. But by anticipating their threats before they initiate them, we can help to ensure that their darkest hour doesn't become ours. ⊕

THE POWER OF THE PEN

Thorough and accurate report writing can save your career and bolster your reputation as an honest officer.

| MARK TARTE

Winning a civil rights lawsuit against a municipality or county is like winning the lottery, at least for the plaintiffs and their attorneys. The vast majority of these suits do not go to trial; the city or county will settle out of court without admitting to wrongdoing.

In the back of your mind, you know what these administrators are thinking: Our officers did nothing wrong, but we are going to pay you this huge sum of money anyway so you will go away. Never mind the damage it does to our officers' morale, the public's trust in our officers and the agency; what is important is that we don't lose more money because we don't know how to defend against these frivolous lawsuits.

Where does that leave you, the individual officer? Hopefully covered by the settlement, but in reality, what do the people you serve think when they learn about the settlement?

I know you feel disgusted when your agency rolls over like this and pays some nuisance claim. What should disgust you more is that it's likely that one of the reasons your departments and municipalities do not vigorously fight these suits are the reports that were filed by officers detailing what happened during the incidents.

When it doesn't matter, we seem to write reports that people praise and use as examples in law schools and police academies. But in those cases where force is used—and we are most likely to be sued—we seem to be ashamed to tell the truth and admit that we hit, punched, kicked, bit, scratched, and otherwise got nasty with some miscreant. Disregarding that he pulled out a gun or a knife, or wanted to fight anyone in a uniform, there still is a mindset among many administrators and risk manager types that writing out exactly what you did and, more importantly, why you did it, is wrong or not necessary. This is a huge mistake.

It is no longer accepted, if it ever was, in a use-of-force incident report to use phrases like, "I physically subdued the subject." What does this tell the uninformed reader? Your sergeant may know what happened, but what about the prosecuting attorney or defense counsel? Will they know what happened and why?

It may be shorter and even accurate to say you "used physical force," but it does not tell all the facts. Consider the following statement as a way to write a report on a use-of-force incident:

The suspect swung his fists at me. I told him to stop resisting and that he would be sprayed with OC if he did not. He again tried to hit me, and I sprayed him twice with my department-issued OC spray. This caused him to back away, but he still tried to hit me. I again ordered him to, "Stop resisting," but he continued to swing his fists at me, yelling, "Screw off, copper." He again raised his fists and swung at me. I then struck him twice on the left knee with my baton. He fell to the ground, saying, "I give up, I give up." I handcuffed the now compliant suspect and drove him to the General Hospital Emergency Room for evaluation and treatment by Dr. A. Smith. After he was medically cleared, he was booked into county jail without further incident.

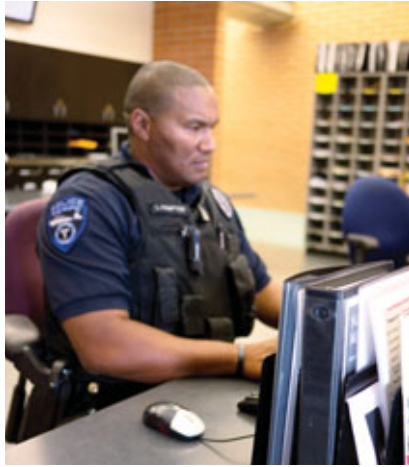
This example is much clearer for you and the reader, and it is more detailed. So why don't we take the time and write all of our reports with this much detail? Probably because cops hate paperwork more than anything else, except certain vile criminals, administrative types, and the ACLU.



You may have been legally justified in TASERing this subject, but if you can't articulate why you were justified in doing so, you could face a legal nightmare.



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A good, clear report explains the action you took, why you took action, and the results.

OWN WORST ENEMIES

Many times, we are our own worst enemies. One thing we do have in our favor is that we can learn from the mistakes of others, with little or no cost to ourselves. Who hasn't heard of some mistake by a department or officer that has become the force of law through an adverse case decision or winced at a judgment brought against a police officer?

More likely than not, if it was a civil trial, the judgment was due to a perception of wrongdoing, rather than actual wrongdoing. If you do not record the details of the event and what precipitated the use of force in your report, it looks like you have something to hide. You did nothing wrong, but now you are facing a jury, months or maybe years after the fact and trying to explain why you did what you did when you did it. How does it look to the jury that you are bringing up facts about the case that were never in your report? Any competent defense lawyer is going to use the lack of detail in your report against you.

Something to remember is that a jury is a group of 12 licensed drivers, all equally fuzzy on the concept of the law, with no experience in the rigors and subtleties of policing. Jurors are generally well meaning citizens, but their information comes from the local news or the latest "police reality" show, not from being students of the criminal justice system or practitioners of law enforcement.

It is incumbent upon you to paint a word picture for the jury and others that will read your reports. You can be the best shot, the fastest runner, an expert at interviewing, and look like a Marine recruiting poster in uniform, but without the ability to write a proper and factual report, it will all be for naught.

EVIDENCE COLLECTION

The same can be said for evidence preservation. The evidence backs up your report and without it, you can be in deep trouble. But for years our evidence collection has been geared toward prosecution and not the defense of a civil suit.

When was the last time an officer who was assaulted had to replace his uniform and equipment? What happened to the torn uniform and broken equipment? Were they discarded or were they kept as evidence? We may have taken some quick photos of the damage, but that's about it. In many departments, only in those dreaded times where an officer has been murdered, are the uniform and equipment worn preserved as evidence.

In the interest of the best evidence available and, frankly, to protect ourselves we need to keep as evidence the torn shirt, ripped pants, scraped leather gear, or broken eyeglasses or sunglasses. But because of tight uniform and equipment budgets, departments try to recycle damaged gear that should be considered evidence.

Think about the money that could be saved in a properly defended lawsuit due to the foresight in booking such evidence. Juries love visual aids. And what better visual aid is there to justify your use of force than your ripped uniform? Such evidence can make a greedy suspect and his lawyer slink away licking their judicial wounds.

BE IN THE RIGHT

Of course, no amount of report writing or evidence collection is going to help any officer who maliciously or criminally assaults a suspect, regardless of how justified he or she feels in doing so. No matter how much you may want to slam some punk's head into the hood of your patrol car, you have to be a calm professional when no one else can. Unjustified use-of-force cases are thankfully rare, but the perception of the public is that it happens much more often than it really does.

Thanks to cell phone videos, the Internet, and the 24-hour news cycle that plays a

THE POWER OF THE PEN

supposed excessive force video over and over, the public receives a tainted view of law enforcement use-of-force incidents, poisoning jury pools and sometimes making necessary an out-of-court settlement.

Many times, your report doesn't seem to jibe with the video. What better tool, if it is available, to use to help you write your report? You have your perception of what occurred, and it is a valid perception, but viewing that impartial video can help your recollection and aid you in writing an even more complete and accurate report.

FIGHTING BACK

A properly written and factual report, along with supporting documentation, witness statements, and evidence, are your best defense against a lawsuit. Audio and video are even better. Having all of this documentation and evidence probably won't reduce the number of lawsuits that are initially filed against you or your department, but it may give plaintiff lawyers pause about taking you on if they know how well you document and support your actions in the field.

With the advent of video recorders, both in patrol cars and in everyday life, it is imperative that the reporting officers be as accurate and factual as humanly possible in their reports. That doesn't mean writing longer reports; it means writing smarter reports.

If your reputation is such that prosecuting attorneys and judges have a high regard for your integrity and honesty, your report writing ability, and your courtroom demeanor, then plaintiffs' attorneys won't want to mess with you. If, on the other hand, your reputation is suspect in any way, word will get around and you can bet next month's pay that some lawyer, somewhere, will take on that lawsuit that might be frivolous but still profitable.

Your reputation can shield you, and it can bury you. A decision by the Supreme Court in 1963's *Brady v. Maryland* requires any adverse disciplinary information about officers' integrity or honesty to be turned over to the defense by the agency. This decision has caused many California district attorneys to tell chiefs and sheriffs they will not use an officer's reports or testimony if he or she has been disciplined for not being truthful. Do you want to have something like that hanging over your head?

I know of one young former officer who was involved in a use-of-force incident and wrote a report on it. His report was lacking, not due to deception, but rather haste. Another officer had witnessed the use of force and reported it to his sergeant who in turn initiated an investigation after the written report was filed.

The report did not mesh with what was reported by the witness officer and other witnesses. The officer who was involved in the use of force lost his job because the agency believed he had falsified his report. He has applied for other police positions at many different agencies, but not one has given him a second look. This is a good officer who sunk his career through haste and lack of detail in a report. This tragedy could have been avoided if he had reviewed the facts and made sure all known information was included. The information was there; he just failed to gather it and use it, torpedoing his career.

It is a fact of life in law enforcement that force, including deadly force, will have to be used. It is how you apply that force and, just as importantly, how you document it that will reduce the filing of frivolous lawsuits as well as preserve our careers. As with any other officer safety training, surviving a legal challenge to legal and proper actions is worth the time it takes to record and document the events and evidence. Your survival in a civil or criminal trial is only as good as your report.

Make your report writing better and you'll survive any courtroom challenge. Read reports written by fellow officers who have a reputation for being thorough and accurate. Talk with other officers about their experiences. Talk with the prosecuting attorney. Talk



THE POWER OF THE PEN

with defense attorneys about bad reports they've seen. Take an English refresher course if necessary. If your department doesn't have a good report writing manual, find a department that does and use theirs as a model for your department.

You use that pen, paper, and computer a lot more than you use your OC, baton, or sidearm, and they are just as important to your survival. If you don't practice with the weapons you are issued, when the time comes to use them it could be dangerous to you. The same goes for report writing. Practice, learn, and protect yourself. ☯

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OFF-DUTY TACTICS FOR STREET AND HOME

There are simple steps
you can take to
enhance the safety of you
and your family.

| MICHAEL T. RAYBURN

As law enforcement officers we find it hard to think of ourselves as “victims.” We tend to think that robberies, burglaries, and home invasions happen to other people, not to us. After all, we’re the cops. Who would be stupid enough to try to rob us? Unfortunately, the world is full of stupid criminals. And crime can affect anyone, even us.

Look at the statistics compiled by the FBI. The number one reason why law enforcement officers are killed off duty is being the victim of, or intervening in, a robbery or robbery attempt. Gang members have intentionally targeted an officer’s house for a burglary “because that’s where the guns are.” In recent years we’ve also seen a rise in revenge-style killings against law enforcement.

Consider the recent case of Philadelphia police officer Moses Walker Jr. At the end of his shift, he was walking down the street to catch a bus roughly four blocks from his stationhouse in north Philly when two suspects approached him on the street. They attempted to rob him. In response Walker tried to draw his firearm but was shot several times and died from his injuries.

Think about this incident for a second. Now suppose you’re not the intended target. What would happen? How would you react? Now how would you react to the possibility of two parolees following your wife and daughters home from the store to make them victims?

HARDENING THE TARGET

Violence can happen to any of us. There are evil people out there willing to do evil things, and some don’t care if you’re a cop or not. We may not be able to stop some criminal’s violent intent, but we can make ourselves a harder target to hit so they’ll pass us by for someone else. It may sound cold, but we all know that criminals are lazy. If it’s between burglarizing the house with the fence, dog, and alarm system, or the house where the occupants don’t lock the doors, we all know the bad guy is going to take the easy road. Make yourself and your loved ones that harder target.

Making you and your family a harder target to hit starts at home. There are a few simple things you can do to make everyone in your household safer. The first and easiest thing you can do is to always lock your doors. It doesn’t matter if you live in the country or in the city, lock your doors. There have been many cases of criminals entering homes through unlocked doors. Granted, a locked door isn’t going to stop a determined intruder, but it may slow him or her down long enough for you to grab your gun.

Which brings me to the following point. Always carry off duty and always have a firearm available in the home.

OFF-DUTY CARRY

It shocks me to hear of officers who don’t carry off duty or who don’t even own an off-duty firearm. One of the best benefits of this job is being able to carry off duty in your jurisdiction, and now through the Law Enforcement Officer Safety Act we can carry concealed off duty anywhere in the country, even after we retire.

You should also practice with your off-duty firearms. Other than “qualifying” with the off-duty firearm, very few departments do any off-duty training. Rather than seeing how

OFF-DUTY TACTICS

many holes you can punch in a paper target, do some legitimate training. Practice robbery drills where your hands are up and your back is to the target, forcing you to draw and pivot to the target. Practice drawing and holstering from the holster, and the location, that you carry your off duty gun in. This may get a little hairy if everyone shows up with a shoulder rig, but there are ways to safely get around it.

HOME DEFENSE

While we're on the topic of guns, how many of you have cleared your house with a replica firearm like a Blue Gun? You may know every inch of your home, but have you tried clearing it in the dark, with a firearm? Learn what boards squeak in the living-room floor and how to cut those corners in the hallway before you need to do it for real. Close your blinds before doing this so your neighbors don't think you've gone postal, but practice and be prepared.

Some other simple things to do in your home are to always keep your shades/blinds closed, especially after dark. Don't give the bad guys an opportunity to see the layout of your house, covet all the things you own, and know exactly where you are while you're home. During daylight hours you may be able to spot someone surveying your home, but once it gets dark someone can stand outside just a few feet from a lighted room, and you'd never see them from the inside.

Most cops don't make a lot of money and can't afford an alarm system to be installed, so do the next best thing and get a dog. It doesn't have to be a very big dog, just one that barks. My dog is up and growling if a strange car pulls into my neighbor's driveway, and goes absolutely ballistic when one pulls into mine. Go to the pound and save a stray. You'll be doing a good deed for man's best friend, and the kids will love you for it.

Have police periodicals and magazines like this one sent to a post office box or to the station. Have you done a background check on your mail carrier, and everyone who works in the post office? Of course not. So why tell everyone that a cop lives at your address?

The same goes for wearing your uniform, or any part of your uniform, to and from your home. An ex-con can pick out a pair of police pants from a mile away. The same goes for wearing those PBA T-shirts while out in the yard raking the leaves.

Don't always take the same route home from the police station. Vary your route and check your rearview mirror for a possible tail. If you suspect you're being followed, take a couple of extra turns to see if the vehicle stays with you. Drive past your house and circle the block. Look for strange cars in the neighborhood or people sitting in a parked vehicle.

We've been told on numerous occasions not to "bring the job home" with us, but in reality "the job" does come home with us. If you're from an agency that allows take-home cars, don't park the marked unit or unmarked unit with all the antennas that scream "cop," out in front of your house. Put it in the garage or park it on the street in different locations.

When asked by your neighbors about the patrol car parked on the street, tell them you're trying to slow traffic down. Don't tell them you're trying to throw off the bad guys by parking your police car in front of their house.

If you're on foot, maybe walking to catch a bus home from work, have a 360-degree area of perceptual awareness around you. This area of perceptual awareness should extend out to a minimum of 21 feet. Depending on the area, time of day, etc., you may want to extend that area out even further. Be cognizant of who is in that area, and what they're doing. Anyone who looks suspicious should warrant your special attention.

OFF-DUTY TACTICS

If allowed, take your portable radio home with you. There's no quicker way to get a hold of dispatch and get the cops coming to your door than via your police radio. If you live outside of the jurisdiction in which you work, have that jurisdiction's frequency added to the radio, after getting permission from your agency of course.

If you don't have a take-home portable radio, then have the PD's phone number on speed dial on your home phone and your cell phone. Dialing 911 is good, but sometimes 911 goes to a central dispatch for the whole county that also dispatches fire and ambulance. I'd rather call the cops direct—that's if you live in an area where real people still answer the phone and not a recording.

These are just a few tips for making you and your loved ones a little safer and a harder target to hit. This isn't about being paranoid; it's about being alert to your surroundings and who is in those surroundings. It's all about being prepared and having a plan of action because sometimes the bad guys try to make us the victim. Don't be a victim; have a plan, fight back, and make the bad guy sorry he ever crossed your path. ☯

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