

THE

# Tactical Edge<sup>®</sup>

SWAT | CNT | PATROL | COMMAND | CANINE | TEMS | FIRE/EMS



FALL 2023

**P.22**

## Off-Duty Encounters:

Law, Policy and  
Tactical Considerations

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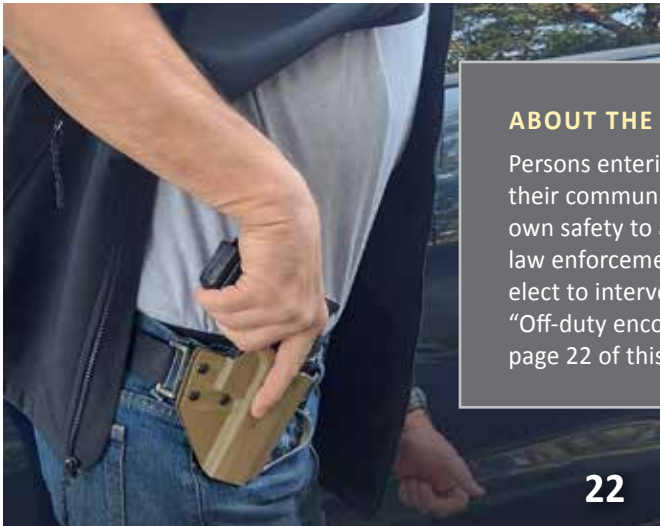
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**ABOUT THE COVER**

Persons entering the police profession do so out of a desire to serve their community, a sense of duty, and a willingness to risk their own safety to assist others. Chances are that at some point in your law enforcement career, you may encounter a situation where you elect to intervene in an off-duty capacity. Read Bruce Liebe's article "Off-duty encounters: Law, policy and tactical considerations" on page 22 of this issue. (Photo courtesy of Christie Liebe.)

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# DIRECTOR'S MESSAGE



As you read this edition of *The Tactical Edge*, we have successfully completed our 40th Annual NTOA Law Enforcement Conference in Aurora, Colorado. The positive feedback has been great to hear, and it's undoubtedly a testament to the hard work and dedication of the staff and instructors. A special thank you to the Rocky Mountain Tactical Team Association and the Aurora Police Department SWAT Team for their exceptional assistance.

The incident debriefs and presentations were extremely well received, and we are grateful to our presenters who made them possible. These presentations were invaluable in sharing lessons learned and promoting knowledge exchange. I especially want to thank our friends from Tunisia for making the long trip to share their experiences in the March 2015 attack on the Bardo National Museum and the March 2016 attempt by ISIS to take over the city of Ben Guerdane. They provided unique insight into challenges we all face, no matter the country.

As in past years, the conference provided a valuable opportunity for attendees to learn and connect with their peers and leaders in the law enforcement community. Every year we work hard to ensure that you have a positive experience and leave with a feeling that you benefitted from your attendance. Please take the time to read our conference article beginning on page 16 of this issue.

For those of you who attended the conference, this will serve as a reminder of all that you've learned. If you didn't attend, then this next part hopefully will serve as a challenge. Creating a culture of excellence within the law enforcement/tactical community is crucial — today more than ever. Training and continuous improvement play a vital role in maintaining high standards and ensuring that we in law enforcement are well-prepared for the challenges and critical incidents that present themselves. Whether a formal or informal leader, each of us is responsible for working toward this goal.

As you move forward, the commitment to this effort is essential. By continually striving for excellence and fostering a culture of learning and improvement, you contribute to the growth and effectiveness of your team and agency. We all are winners in this endeavor. I wish you all the best in your efforts!

Next year's conference moves to Kansas City, Missouri, and we already are planning for the opportunity. We are confident that it will be another successful and productive conference.

Stay safe, and I hope to see you all at a future conference or training event.

A handwritten signature in blue ink, appearing to read 'Thor Eells', written in a cursive style.

Thor Eells  
Executive Director

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**The Tactical Edge  
Submission Guidelines**

*The Tactical Edge* welcomes submissions from NTOA members and selected non-members. Authors should follow these guidelines:

- Please submit an original manuscript via email to editor@ntoa.org. Complete contact information should be provided. Submissions should include, author photo and a brief bio.
- Articles are evaluated by an editorial review board. The NTOA reserves the right to edit all articles for clarity or length, as well as punctuation, spelling, grammar, syntax and other word usage. Articles are edited to meet NTOA style guidelines, found in the Associated Press Stylebook and Chicago Manual of Style.
- The NTOA will not publish articles that are advertorial in nature and promote the author's company or product.
- Digital photos must be a minimum of 300 dpi resolution and at least 3x5 inches. Please include captions.

Article submissions should be emailed to editor@ntoa.org. Contact Mary Heins at 800-279-9127, ext. 6 with questions.

Visit [ntoa.org/tacticaledge](http://ntoa.org/tacticaledge) for the complete submission guidelines.

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1. Direct payment to an educational institution.
2. The creation and funding of an IRS 529 College Savings Plan.

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529 scholarship funds may be used for the following:

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Nearly all colleges, universities, community colleges, law, medical or business schools qualify. Many career or technical schools are also eligible. The school must be eligible to participate in the federal financial aid programs.

*I have always looked up to my dad. He has been a police officer since I was born, and for as long as I can remember, I have been witness to the heart and dedication that goes into police work. It is thanks to my dad that I, too, want to pursue a career in law enforcement, even if my path is a little different from his. The scholarship helped me begin my higher education and set me on a clear path to achieving my career goals. With the help of this scholarship, I am incredibly grateful to the NTOA for providing opportunities to students like myself. With it, I have been able to kick-start my plans for the future and get that much closer to reaching my goals.*



*Rhianna Marchand and  
Assistant Chief Sean Marchand*

**We are pleased to announce that our 2023-24 Educational Scholarship application period is now open.**

**Scholarship amount:  
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**Application period:  
Nov. 1, 2023 – April 1, 2024**

**For more information and  
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or call 800-279-9127.**

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**LAW ENFORCEMENT  
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## NTOA TRAINING AND EDUCATION

The NTOA recognizes the need for high-quality training and education for law enforcement, fire, medical, and corrections personnel. Providing training opportunities that lead to more effective and professional decision-making, leadership, and tactically sound personnel is at the core of our courses. Our programs are legally based and recognize the reality and impact of various societal issues on the law enforcement profession. NTOA training is open to members and non-members, but individual members receive a discount when registering.

Training and education are different, and the NTOA recognizes the need to improve law enforcement's capabilities and effectiveness. As a result, the NTOA offers various contemporary learning experiences for everyone. There are many options for practical courses that involve the hands-on application of skills, classroom-only courses that focus on education, online educational classes, and either live or on-demand webinars. Students may choose the learning environment that works best for them.

The NTOA instructor cadre consists of experienced and contemporary professionals, and each is an expert in their field of instruction. All are current or former law enforcement or medical personnel.

Training and education is available in over 30 stand-alone courses in a wide variety of topics.

# TRAINING



### **Practical Training**

Practical courses often begin in the classroom, but the majority of the time will be in a setting that allows students to apply knowledge and skills through hands-on learning “in the field.” Tactics and techniques are shared, and instructors expose the students to repetitions, exercises, and scenarios. Improved performance by applying the most contemporary methods is the focus.



### **Classroom-Based Education**

A true professional understands the reasons behind the actions. Our classroom-only courses focus on the systematic process of acquiring knowledge, focusing on concepts, theories, philosophies, legal issues, industry-wide practices, and much more. Our education-based courses tie everything together, focusing on understanding, leading to better decision-making and positive outcomes.



### **Online Education**

The NTOA is proud to offer an alternative learning method that allows for time and financial savings while still obtaining the same high-quality education as an in-person learning environment. Through our Learning Management System, we offer students a synchronous learning opportunity for several courses. Each online study occurs in real time, with multiple instructors, and students interact extensively with the teaching cadre. Students receive the same instruction, exercises, and education they get during in-person courses but are exposed to more instructors than in-person classes.



### **Webinars**

Live webinars are offered each month to members and non-members. These webinars are available to view on-demand (anytime you want). Our webinars are some of the most diverse in the industry and focus on a wide variety of topics to include leadership, incident debriefs, officer wellness, legal issues, tactics, and panel discussions. All webinars are free to NTOA individual members and, occasionally, everyone. All webinars are recorded and placed in the NTOA Members-Only Portal, accessible by logging into the members’ area of the NTOA website.

**For a current list of training and education classes,  
please visit: [ntoa.org/training](http://ntoa.org/training) or see page 14.**

## NTOA's NEW Partnership with Posit Science

Bringing a revolutionary brain training and cognitive development tool to the public safety community. BrainHQ from Posit Science offers a one-of-a-kind program that impacts all branches of our profession.

**D**ozens of online exercises created by neuroscientists will enhance cognitive abilities and maximize personal performance. Studies show that law enforcement officers increase recognition of environmental conditions, awareness, and the speed of decision-making. Multiple studies have demonstrated that officers gain better impulse control and de-escalation capabilities, and reduce use of force, traffic collisions and citizen complaints. Ultimately, agencies maximize risk mitigation and reduce liability through the many benefits of brain science exercises.

**The NTOA is offering subscriptions to both organizations and individuals.**

The one-year subscriptions include tech support and individualized performance coaching, and organizations can monitor usage and performance through an administrative function.



brainHQ

Used prolifically by professional athletes in the National Football League, Major League Baseball, and other sports, elite-level athletes across the world have been using BrainHQ for years to gain optimum performance. The exercises are also used by many elite military special operations forces across the world to aid in rapid tactical decision-making, increased mental resiliency, and improved overall wellness. The program is an important development tool used by the United States Special Operations Command (SOCOM) across all member services for both ground troops and pilots, as well as some of the service academies.

BrainHQ's neuroscientists created a development curriculum specific for public safety responders and have partnered with the NTOA as the sole provider of this curriculum. The small investment of time is one of the greatest benefits of this training. As little as 15 minutes a day, four or five days a week can show dramatic cognitive gains.

To learn more and register visit:  
[ntoa.org/brainhq](https://ntoa.org/brainhq)



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# NTOA TRAINING CALENDAR

## ONLINE TRAINING

### SWAT Command Decision-Making and Leadership I

Jan. 9, 2024

### Crisis Negotiations Skills for First Responders

Jan. 12, 2024

### Basic Crisis Negotiations

Jan. 24, 2024

### Law Enforcement Response to Suicidal Subjects: Legal Realities and Options

Feb. 7, 2024

### SWAT Command Decision-Making and Leadership I

Mar. 5, 2024

### Crisis Negotiations Skills for First Responders

Mar. 22, 2024

### Training Management and Risk Mitigation for SWAT

Mar. 25, 2024

## ADVANCED CRISIS NEGOTIATIONS

Lakewood, WA // Jan. 15-17, 2024

Jordan, MN // Feb. 7-9, 2024

Edmond, OK // Mar. 4-6, 2024

South Burlington, VT // Apr. 15-17, 2024

Appleton, WI // Apr. 23-25, 2024

Huntsville, AL // Jul. 1-3, 2024

## ADVANCED RESPONSE POLICE OFFICER

Dickinson, ND // Mar. 18-22, 2024

## BALLISTIC SHIELD

Greeley, CO // May 16-17, 2024

Lakewood, WA // Jul. 15-16, 2024

## BASIC CRISIS NEGOTIATIONS

Sioux City, IA // Feb. 5-9, 2024

South Burlington, VT // Feb. 12-16, 2024

Grafton, ND // Mar. 4-8, 2024

Jordan, MN // Apr. 8-12, 2024

## BASIC SWAT

Williamsport, PA // Mar. 18-22, 2024

Brewer, ME // May 6-10, 2024

## HIGH-RISK WARRANT SERVICE

Indianapolis, IN // Jan. 16-18, 2024

Soledad, CA // Oct. 14-16, 2024

## HOSTAGE RESCUE TACTICS

Soledad, CA // Aug. 5-9, 2024

## LESS LETHAL, FSDD, CHEMICAL AGENT INSTRUCTOR CERTIFICATION

Clearwater, FL // Feb. 12-16, 2024

Tulsa, OK // Mar. 4-8, 2024

Richland, WA // Apr. 29 - May 3, 2024

## MANAGING CRITICAL INCIDENTS

Papillion, NE // Jan. 26, 2024

Dickinson, ND // Feb. 19, 2024

Lakewood, WA // Feb. 19, 2024

Harrisonville, MO // Mar. 4, 2024

Springfield, MO // May 10, 2024

Ontario, OH // Sep. 9, 2024

## POLICE RESPONSE TO ACTIVE SHOOTER INSTRUCTOR CERTIFICATION

Berwick, PA // Apr. 2-5, 2024

Traverse City, MI // Jul. 22-25, 2024



Visit **NTOA.ORG** for a complete list of courses.  
Questions, please contact the NTOA Training Department at: 800-279-9127 ext. 2.

### **PUBLIC ORDER BASIC COMMAND CERTIFICATION**

Jacksonville, AR // Jan. 22-26, 2024  
Bellingham, WA // Jan. 29 - Feb. 2, 2024  
Centennial, CO // Feb. 19-23, 2024  
Chandler, AZ // Mar. 18-22, 2024

### **RESCUE TASK FORCE INSTRUCTOR CERTIFICATION**

Grand Junction, CO // Mar. 11-13, 2024  
Ashtabula, OH // Mar. 25-27, 2024  
Mountain Home, ID // May 7-9, 2024  
Ontario, OH // Jun. 24-26, 2024

### **RESOLUTION OF BARRICADED SUSPECT**

Evansville, IN // Apr. 1-3, 2024  
Soledad, CA // May 1-3, 2024

### **SINGLE OFFICER ASSAILANT RESPONSE (SOAR)**

Corpus Christi, TX // Feb. 20-22, 2024  
Grafton, ND // May 6-8, 2024

### **SUPERVISING PATROL CRITICAL INCIDENTS**

Wayne, NJ // Jan. 22-23, 2024  
Roanoke, VA // Jan. 29-30, 2024  
Round Rock, TX // Feb. 6-7, 2024  
Billings, MT // Feb. 7-8, 2024  
Garner, NC // Feb. 13-14, 2024  
Santa Fe, NM // Feb. 26-27, 2024  
Austell, GA // Mar. 4-5, 2024  
Evansville, IN // Mar. 25-26, 2024  
Fairfield, CT // Apr. 3-4, 2024  
Bennington, NE // Apr. 8-9, 2024  
Bozeman, MT // Apr. 8-9, 2024  
Marana, AZ // Apr. 22-23, 2024  
Lakewood, WA // May 6-7, 2024  
Chambersburg, PA // May 8-9, 2024  
Temple, TX // May 13-14, 2024  
Harrisonville, MO // Jul. 8-9, 2024

### **SWAT COMMAND DECISION-MAKING AND LEADERSHIP I**

Center City, MN // Jan. 15-19, 2024  
Richland, WA // Jan. 29 - Feb. 2, 2024  
Greeley, CO // Jan. 29 - Feb. 2, 2024  
Conshohocken, PA // Feb. 12-16, 2024  
Hernando, MS // Mar. 25-29, 2024  
Lakewood, WA // Apr. 8-12, 2024  
Mason, MI // Apr. 22-26, 2024

### **SWAT TEAM LEADER DEVELOPMENT**

Martinsburg, WV // Jan. 15-19, 2024  
Evansville, IN // Jan. 29 - Feb. 2, 2024  
Richland, WA // Feb. 19-23, 2024  
Wallingford, CT // Mar. 11-15, 2024  
Palm Beach Gardens, FL // Mar. 11-15, 2024  
Camarillo, CA // Mar. 18-22, 2024  
Benton, AR // Apr. 8-12, 2024  
Austell, GA // Apr. 8-12, 2024  
Greeley, CO // May. 6-10, 2024  
Lakewood, WA // Jun. 17-21, 2024

### **TACTICAL EMERGENCY MEDICAL SUPPORT (TEMS)**

Sanford, FL // Jan. 15-18, 2024  
Disputanta, VA // Jan. 16-19, 2024

### **TACTICAL MISSION PLANNING AND BRIEFING**

Frisco, TX // Feb. 5-6, 2024  
Corpus Christi, TX // Feb. 19-20, 2024  
Irondale, AL // Jun. 18-19, 2024  
Lorain, OH // Aug. 26-27, 2024

### **TACTICAL SCOUTING**

Frisco, TX // May 20, 2024



# LAW ENFORCEMENT OPERATIONS CONFERENCE & TRADE SHOW

AURORA, CO • AUG. 27 - SEPT. 1, 2023  
GAYLORD ROCKIES RESORT AND CONVENTION CENTER

## 2023 LAW ENFORCEMENT OPERATIONS CONFERENCE & TRADE SHOW - Aurora, CO

BY BUCK ROGERS

The NTOA celebrated its 40<sup>th</sup> Anniversary Law Enforcement Operations Conference and Trade Show in Aurora, Colorado, this year. More than 1,000 attendees representing 410 agencies from 46 states and six countries from as far away as the UAE, Tunisia, Italy and Singapore, joined us at the majestic Gaylord Rockies Resort for a full week of seminars, incident debriefs, and networking with leaders and innovators in the law enforcement community.

More than 200 companies, including over 50 first-time exhibitors, showcased the latest technologies and products during our two-day trade show. Attendees had an opportunity to see for themselves many of the products featured in our Member Tested Program throughout the year.

A warm welcome from Executive Director Thor Eells opened the conference Monday morning, which began with a moment of silence for those who have given their lives protecting their country and communities.

Eells then introduced members of the Rocky Mountain Tactical Team Association and thanked them for their support. Also recognized were the board of directors and

agencies that support the RMTTA and the Aurora Police Department, which worked tirelessly for more than a year to make this conference a reality. Aurora police Chief Art Acevedo also made comments to open the conference.

Bob Koonce, founder and president of High Reliability Group, served as keynote speaker. He started his company after serving 21 years in the U.S. Nuclear Submarine Force, including as commanding officer of USS Key West (SSN 722), a nuclear fast attack submarine, and five years of energy industry consulting experience. Koonce spoke about operational excellence in organizations. During his powerful presentation, he shared his experience in the nuclear submarine fleet and how that relates to police organizations and SWAT teams. One of his main messages was to achieve true operational excellence, we must have a culture that is devoted to professional knowledge, have honest self-assessment, strive for continuous improvement, and have a growth mindset. Koonce reinforced Admiral Hyman Rickover's philosophy that "human experience shows that people, not organizations or management systems, get things done."



**MORE THAN 1,000  
ATTENDEES FROM 46  
STATES, SIX COUNTRIES  
AND 410 AGENCIES  
WERE REPRESENTED**



He also gave an example of a real-world crisis in the nuclear submarine force and how the main issues that led to the disaster related to what we face in police organizations, such as fatigue on missions, inadequate decision-making, team dynamics, and poor policies and procedures. Finally, Koonce provided some key leadership takeaways from his experience in the U.S. Nuclear Submarine Force: “Culture eats strategy (and tactical doctrine) for breakfast, and culture reflects leadership.” His words were an inspiration to all in attendance.

The annual presentation of the NTOA Awards recognized outstanding individuals and significant achievements that occurred throughout the law enforcement special operations community over the past year. Such accomplished and dedicated members contribute to our field in so many ways, and the NTOA was gratified to acknowledge some of these exceptional individuals. (See award winners below.)

During our annual Welcome Reception, attendees enjoyed a beautiful evening of relaxation and socializing on the lawn of the Gaylord Rockies Resort. The outdoor setting was a phenomenal backdrop for a buffet-style dinner and networking with various vendors and police departments. The event was generously co-hosted by Point Blank Enterprises and Lenco Armored Vehicles.

Beginning Tuesday, attendees had their pick of more than 100 seminars and incident debriefs. Debriefs included the Safeway Active Shooter Incident in Bend, Oregon, in which Jeff Fricky and Andrew Davis gave lessons learned from their perspective about the patrol response to this active shooter incident. One of the main takeaways included considering the risk-benefit analysis of a multiple-point entry on a large structure and the crossfire situations they create for patrol teams.

The Bardo Museum Attack in Tunisia debrief was one of the most technically advanced presentations. The Tunisians shared their lessons learned and challenges encountered from that incident, which resulted in the death of 22 hostages, and the process that went into rescuing others, which led to police killing both terrorists.

The Canadian Incident Debrief from Matthew Houlieff and Maxwell Bruce was very informative and described a novel bank robbery that escalated into a hostage situation with the suspect having a suicide vest strapped to him. As the situation unfolded, several hostages escaped out a rear door, and in the process, uniform officers stepped in to escort them. Those officers inadvertently made visual contact with the suspect, who was approximately 25 meters behind the teller area, and wearing a suicide vest with a deadman’s

## Awards



### John Kolman Award of Excellence

Capt. Jeff Garden of the Sioux Falls Police Department for his dedication and tireless devotion to the tactical law enforcement profession.



### K9 SWAT Deployment Award

Deputy Shane Day of the Riverside County (CA) Sheriff’s Office for demonstrating extraordinary courage and dedication to the protection of his fellow officers.



### Spirit of NTOA Award

Jon Becker, founder and president of AARDVARK Tactical, for his longtime support of the law enforcement community and his unwavering commitment to the mission of saving lives.

switch. Tactical members and two snipers mobilized within the bank and took over uniform positions. This debrief covered many relevant points for tactical teams, including transition procedures between patrol and SWAT teams, as well as command, control and communication procedures for such incidents. It gave insights into how tactical and bomb personnel deal with such a threat.

These were just some examples of the extraordinary debriefs discussed at our annual conference. We extend our heartfelt thanks to the officers who bravely shared their personal experiences of harrowing incidents. Their courage in sharing these stories is truly commendable. We recognize the impact that these events have had on their lives and appreciate their willingness to share openly with their fellow officers. We hope that their stories inspire us all to work toward a safer and more supportive community for everyone.

Our outstanding seminars featured topics such as How Human Performance Impacts CQB. In this four-hour seminar, Dr. Jake Labhart gave data and fitness profiles of officers from a broad spectrum and discussed how strength, anaerobic endurance, power agility and stability balance are key attributes of human performance in tactical operations. One interesting takeaway from his presentation dealt with the question, does training smarter make a difference? Based upon his limited study on 150 operators over a period of a year, he found it does. There was a 22 percent decrease in injury rates within six



Welcome Reception

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### RAFFLE PRIZES

Thank you to the many companies who donated prizes to be raffled off at our conference to help raise funds for various scholarships offered by the NTOA.

### SCHOLARSHIPS

Through the generosity of Point-Blank Enterprises and the NTOA, four conference scholarships were awarded to attend the conference. Thank you to all who applied, and congratulations to our scholarship recipients.

#### Sponsored by Point Blank Enterprises

Sgt. Michael Rasmussen – Waterloo (IA) Police Department  
Ranger Emanuel Bousios – Suffolk County (NY) Parks Police  
Det. Daniel Mihajlovic – Sioux Falls (SD) Police Department

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Lt. Calvin Brown – Larkspur (CO) Fire Protection District



months, while 95 percent reported a decrease to minimal or no symptoms after program modifications. The seminar gave details on specific physical preparedness related to moving, performance and shooting.

David Pearson gave four separate presentations related to the 20 top tactical concepts that are foundational to the mindset, philosophy and tactical considerations of today’s law enforcement officers. Regardless of previous experience, participants came away with a better appreciation of concepts such as balanced officers (warrior versus guardian), the soft skills of de-escalation, OODA loop, tactical decision-making, safety priorities, officer jeopardy, opportunity, the 4 Cs, space and time, tactical pause, and scenario-based integrated training, to name a few. These concepts gave attendees a more balanced perspective to improve their leadership skills and make better informed, consistent and defensible decisions in daily operations and critical incidents by utilizing a five-step decision-making model.

Lealem Mulugeta’s seminar provided a scientific and practical understanding of how to structure your tactical conditioning protocol (i.e., pre-, during and post-workout) to enhance physical, physiological and cognitive performance. It also discussed why the pre-workout and post-workout elements are essential to performance, injury prevention and recovery; how the methods can enhance not just general phys-

ical, physiological and mental performance, but also marksmanship proficiency; and simple nutrition considerations that can mitigate systemic physiological states that can be adverse to the operator’s health and performance. The most practical and immediate feedback to officers included a hands-on session to learn simple but highly effective methods to recover from and prevent common injuries experienced by tactical personnel; optimize training recovery to promote predictable and sustainable performance development while minimizing injuries; and improve flexibility and mobility to accommodate a wide range of performance and improve overall quality of life. This was an exceptional seminar that provided valuable education to officers on how to prevent injuries in the high-risk environment in which we work.

In addition to incident debriefs and seminars, we brought in over 100 instructors to lecture on various topics to sharpen attendees’ skills and educate members on legal updates, trends in policing, and significant incidents across the nation. Our appreciation extends to these instructors, who traveled from far and wide to bring some of the best training available.

In tactical operations, we usually focus on strategy, tactics, fitness, training, shooting and equipment. We rarely do self-assessments and think about metacognition and how we should train our minds. Jeff Selleg discussed maximizing the

## Thank You



**Commander Nick Sprague**  
Rocky Mountain Tactical  
Team Association



**Chief Art Acevedo**  
Aurora Police Department



**Keynote Speaker: Bob Koonce**  
Founder and president of  
High Reliability Group

cerebral processes critical to success in a team environment and preparing them for peak performance during the fight in his seminar *Developing the Tactical Leaders' Brain: Optimizing Cognitive Decision-Making for Success*. We all understand the need for sustained, disciplined and concentrated effort at functional fitness combined with repetitive skill training to drive the utmost performance for SWAT officers.

Selleg's seminar wove two key cognitive elements that tactical officers must develop to perform at their topmost levels: emotional intelligence and the BrainHQ program. From Posit Science research and study, this one-of-a-kind program impacts all branches of public safety. Through dozens of online exercises created by neuroscientists, cognitive abilities are enhanced and maximize personal performance. Studies show that law enforcement officers increase recognition of environmental conditions, awareness and the speed of decision-making. Officers gain better impulse control and de-escalation capabilities, and reduce use of force, traffic collisions and citizen complaints. Ultimately, agencies maximize risk mitigation and reduce liability through the many benefits of brain science exercises. Selleg's seminar gave us a pathway to better understand what we need to do to improve overall.

Jon Becker's panel discussion on contemporary issues and concerns in the SWAT community was standing-room only. Becker, owner of Aardvark Tactical, moderated the discussion

covering a variety of topics, including no-knock warrants, dynamic entry, trends in tactical operations, legal ramifications in tactical operations, transparency in opposing false narratives, accreditation of SWAT teams, and the role of culture in teams. Panelists included representatives from the Rocky Mountain Tactical Team Association, the California Association of Tactical Officers, the Florida SWAT Association, the Texas Tactical Officers Association, and the National Tactical Officers Association.

Our commitment to providing high-quality training opportunities remains unwavering, and we look forward to continuing to deliver exceptional events like this in the future.

**Next year's conference will take place  
Sept. 8-13, 2024, at the  
Kansas City Marriott Downtown  
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**Watch our website for updates on the  
conference and online registration.**



## THE TACTICAL EDGE A CALL FOR ARTICLES

If you have an area of expertise or would like to write about any of the following topics, please contact [editor@ntoa.org](mailto:editor@ntoa.org).

- School and workplace violence
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- Multi-jurisdictional response
- Crisis negotiations
- Incident debriefs
- Effective intelligence & information sharing
- Mass casualty response
- Counter ambush tactics
- IED threats
- Officer safety, wellness
- Leadership and management
- Police response to the mentally ill
- New technologies
- Education and training trends
- Tactical Emergency Medical Support

We commonly view ourselves as being law enforcement officers 24/7. However, is that belief correct? The answer is both yes and no.

# OFF-DUTY ENCOUNTERS: Law, Policy and Tactical Considerations

BY BRUCE LIEBE



Persons entering the police profession do so out of a desire to serve their community, a sense of duty, and a willingness to risk their own safety to assist others. Chances are that at some point in your law enforcement career, you may encounter a situation where you elect to intervene in an off-duty capacity. Today, one could reasonably contend that the odds of such a scenario occurring have increased.

We commonly view ourselves as being law enforcement officers 24/7. However, is that belief correct? The answer is both *yes* and *no*. To clarify, it is not the intention of this article to dissuade or discourage officers from responding when off duty. Officers should maintain their commitment to public safety; however, they must do so from a position of fully understanding law, policy and the indemnification issues present. Officers must be aware of the police authority they possess or lack so they may act accordingly and not place themselves in potential legal jeopardy.

There are some important considerations that one must entertain before acting. You must consider legal authority, i.e., knowing whether you are acting as a sworn officer or as a civilian. The authority you are operating under also determines indemnification should litigation arise. With respect to tactics, some may be the same as an on-duty encounter, others are not. Being in civilian attire, you risk being misidentified as an offender by responding police and civilian concealed carry permit holders. The following discussion addresses both legal and physical safety considerations.

## Law and policy

Officers must be knowledgeable of state law and agency policy in regard to acting in the capacity of a police officer while off duty. With respect to law, you must be aware of how state statutes define your ability to respond as a peace officer. Your status as such may be limited to the boundaries of your agency. When not acting under statutorily granted police authority, you must be versed in your authority to intervene as a citizen.

For example, in Illinois, peace officers are permitted to act as such in any jurisdiction of the state with specific restrictions. If outside their jurisdiction, they must be engaged in an investigation of criminal activity that occurred within their primary jurisdiction. All other statutorily granted authority to act as a peace officer requires the officer to be on duty.<sup>1</sup> In cases where an officer is off duty and is outside of their jurisdiction, he or she would be acting as a citizen.<sup>2</sup>

Equally important is to be well versed in the authorities granted and limitations imposed by agency policies. A sampling of policies from different regions of the country revealed a general consistency regarding officers performing in a law enforcement capacity while off duty. In the policies reviewed, the language mirrored state laws that geographically restricted off-duty actions to the boundaries of their jurisdiction. Be familiar with your agency policy in this regard and do not automatically assume your policy mirrors state

law. Your agency may have opted for a policy that is more restrictive, providing less latitude than statutory provisions.

The content of off-duty response policies offers policy recommendations, mandates and in some cases, outright restrictions. Some might believe that such policies are rooted more in risk-averse departmental command than in serving the public. However, the subject matter covered by the policies offers wise guidance for officers. The general features were as follows:

**Off-duty encounters were generally discouraged and limited to the agency's jurisdiction.** Off-duty encounters can be problematic from both a legal and officer safety standpoint. Limiting such actions to emergency circumstances is a wise choice for both departments and individual officers. The restricting of off-duty enforcement to incidents occurring within the agency's jurisdiction mirrors the law in many states. When outside their jurisdiction, officers will likely be acting as civilians and not as law enforcement officers.

**Encounters were discouraged or prohibited if alcohol was consumed.** With respect to alcohol consumption, the policies reviewed strongly discouraged officers from involving themselves in a police matter, and in some cases, totally prohibited it. People often make poor decisions after having consumed alcoholic beverages and in addition, awareness, processing abilities and physical performance can be adversely affected. These factors present serious officer safety considerations.

**Policies stated a preference for monitoring and reporting over acting.** When the situation did not require emergency intervention, monitoring and reporting was encouraged. Being a good witness may be the best course of action and without direct involvement, issues of police authority, jurisdictional considerations and indemnification do not come into play. In the policies reviewed, the emphasis on monitoring and reporting often was tied to officer safety considerations.

**Officer safety considerations were emphasized.** A number of policies emphasized the tactical disadvantages facing off-duty personnel. Officers may be acting alone and will lack the ability to communicate immediately via radio. While a radio transmission does not result in immediate backup, on-duty officers monitoring that frequency can initiate a response simply upon hearing radio traffic. If you are relying on a cell phone as your means of communication, first you must be able to access it, and then your call for assistance will be routed through the traditional dispatch process. No matter how efficient or expedient that process may be, it is not as quick as direct contact using a police radio.

A concern also exists with identification. Will responding officers, concealed carry license holders, and others recognize you as a police officer? Blue-on-blue tragedies have occurred, and there are incidents where responding officers have shot lawfully armed citizens who intervened to appre-

## FEATURE

hend or detain an offender. In civilian attire, your identity as an officer may not be readily apparent, even within your own jurisdiction.

There are also risks from co-conspirators and uninvolved parties who may try to thwart your efforts with tactics ranging from interference to physical violence. There are far too many accounts of bystanders interfering with uniformed police; to intervene with an off-duty officer would present a much lower bar.

### Indemnification and insurance

It is also critical to know if you are indemnified for actions you might take. Acting outside of law or policy, it is very likely you will not fall under the protection of your agency. You would be wise to look at insurance policies or supplemental coverage to existing policies to protect you from off-duty encounters. There are insurance providers specifically for law enforcement and there are several companies that provide insurance for civilian concealed carry license holders. Research the provisions of the policies offered to learn what will and what will not be covered, as well as any language that may impose specific limitations that may restrict or omit coverage based on defined criteria.

### Tactical considerations

The primary tactical consideration, whether on duty or off, is situational awareness. You must assess the potential threats, the environment, the circumstances, the possibility of accomplices, and the possibility that individuals or bystanders may be hostile toward police. You may be alone and the odds could be quickly and easily stacked against you. Limited communication abilities are another important consideration. As noted above, communicating by cell phone will not be as fast and efficient as by radio.

The type of pistol you carry as well as the type of holster is also important. The pistol you carry while off duty does not have to be identical to your duty gun, but it should be similar in function. For example, if your duty pistol is striker fired with no external manual safety, carrying the same gun or a gun of similar design and function would be the best option.

You want to ensure that any difference in design and function between your duty holster and your off-duty holster will not generate a delay or the failure to draw your weapon under stress. Since off-duty holsters typically have a lower retention level than their duty counterparts, this generally would not pose an issue. Perhaps a bigger concern regarding holsters is that you wear them in the same general location as your duty holster. If you are in a uniformed assignment, your holster will be on your right or left hip. An off-duty holster carried in another location can lead to what is known as a slip-and-capture error.

Slip-and-capture errors can occur when we have two motor programs, both of which are similar. One of the motor programs has more practice and repetitions than the other.

Your effort will “slip off” and you capture the process for another motor program.<sup>3</sup>

The slip-and-capture errors many are familiar with are those where an officer intends to deploy a Taser but utilizes their firearm instead. That is due to officers performing far more repetitions drawing their sidearm than their Taser. Similarly, if you have drawn your pistol from your duty holster in training and qualification shoots thousands of times, in an off-duty critical event, you are likely to reach to the location of your pistol on your duty belt.

Drawing from concealment requires practice as different physical motions are required, such as clearing a cover garment. For example, if you are wearing a shirt, you must move the cover garment out of the way with your support hand to access your pistol. However, a button-down shirt worn unbuttoned necessitates sweeping the shirt back with the strong hand and accessing the pistol. Wearing a jacket presents similar considerations.

If you are practicing drawing a pistol from concealment, take simple steps to ensure safety. Use the same procedures as you would employ during a dry fire session. Clear the pistol of ammunition, triple-check to ensure it is clear, and practice in a separate room with no ammunition or magazines present. Reload only after your practice session has ended.

### Equipment

It is common for department policy to require you to be in possession of proper agency identification, i.e., badge and ID card, if you elect to engage in police activity while off duty. Your department credentials may be needed as proof of your office and authority and from a safety perspective, critical to potentially identifying you as a law enforcement officer to responding on-duty personnel.

While you certainly do not want to replicate all the equipment you carry while on duty, carrying handcuffs may add to officer safety. Consider a scenario where you have arrested someone and are holding them with your firearm drawn. If the circumstances would allow you to handcuff the suspect and holster your pistol, your safety will be enhanced. There is a danger of being in civilian attire and holding someone at gunpoint as responding police or a lawfully armed concealed carry holder can easily mistake you for an aggressor.

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**The primary tactical consideration, whether on duty or off, is situational awareness. You must assess the potential threats, the environment, the circumstances, the possibility of accomplices, and the possibility that individuals or bystanders may be hostile toward police.**

Another consideration is that even if the person you have taken into custody seems to be compliant, a delay in securing them may cause them to reconsider. The longer the suspect goes before being secured, the more anxious he or she may become and contemplate fight or flight. When you have a person in custody and the prospect of incarceration nears, their anxiety level increases. Conversely, the longer the officer goes without incident, the more relaxed they become. This presents a potential dynamic that does not favor officer safety.

It is advisable to carry a spare magazine(s). While statistics show that expending an entire magazine is not the norm in an officer-involved shooting, you must consider the possibility of a malfunction where an emergency reload may be necessary.

### Conclusion

It seems contrary to our sense of duty to deliberate on anything beyond sound tactics before acting in a police capacity. However, we need to know what authority and status we are exercising before encountering a situation that may require our involvement. Being unsure of your authority can result in poor decisions and may also cause hesitancy when time may be critical.

Acting without a sound foundation of knowledge may also subject you to adverse litigation and the potential of

generating personal fiscal responsibility. Additionally, we must assess the situation at hand in order to make sound tactical decisions regarding our potential involvement. By addressing these considerations, we ensure officer safety from a legal, policy and tactical standpoint.

*Photo courtesy of Christie Liebe*

### Endnotes

1. Arrest by peace officer from other jurisdiction. 725 ILCS 5/107-4 (a-3).
2. Arrest by private person. 725 ILCS 5/107-3; People v Williams, 2017 IL App (3d) 150879
3. Force Science Institute. March 14, 2023. Force Encounters: Investigation Fundamentals, Decision-Making, and Human Performance.

### About the author

M/Sgt. Bruce Liebe retired after 25 years with the Illinois State Police and was assigned to the Tactical Response Team (SWAT) for 13 years, serving as statewide program coordinator, assistant team leader and entry team member. At retirement, he was serving as deputy chief of staff in ISP's Division of Operations. He served as an assistant professor of homeland security and as senior director of the School of Professional Studies and at MacMurray College in Jacksonville, Illinois. Liebe presently owns and operates Paladin Tactical LLC. He holds an A.A.S. in criminal justice from Illinois Valley Community College, and a B.A. in criminal justice and an M.A. in legal studies from the University of Illinois at Springfield. He may be reached at [liebebr@sbcglobal.net](mailto:liebebr@sbcglobal.net).

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# ESTABLISHING BEST PRACTICES FOR SCHOOL-BASED LAW ENFORCEMENT

BY DAVID AGATA

While law enforcement must act during an active threat in a school, an initial, successful response depends on the ability of the school-based law enforcement professional (SBLE) assigned to that school. These officers must be equipped with a variety of options and capabilities in order to respond. However, there are no industry standards for school-based law enforcement skills when responding to

an active assailant incident. From a threat management perspective, having standardized proficiencies and ongoing training will provide school-based officers the ability to prepare for, prevent and mitigate active threats in our schools. This article outlines why those standardized proficiencies need to be established for school-based officers, as with any other law enforcement specialty.

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## Our abilities to meet the continued, dynamic challenges and needs of students and staff on the school campuses we protect as school-based law enforcement professionals will require an adjustment in preparation and ongoing training.

### Introduction and objectives

This article provides a course of action utilizing process improvements and targeting positive outcomes for school-based law enforcement and their agencies. The communities we serve justifiably have a high expectation of both.

Our abilities to meet the continued, dynamic challenges and needs of students and staff on the school campuses we protect as school-based law enforcement professionals will require an adjustment in preparation and ongoing training. With any specialized law enforcement skills, it is critical to have codified best practices, professional standards and a method to achieve those terminal objectives.

As an industry, we have an opportunity to define who we are and what our capabilities can be. The future success of our profession depends on the ability to be flexible enough to recognize and modify our practices to meet the requirements of our community as they change and evolve. Providing, enabling and validating training standards and objectives is the responsibility of the individual and the agency they work for according to their fiduciary and ethical policies. The results or outcomes will be judged in the criminal, civil and court of public opinion. This summary focuses on identifying, developing and maintaining the proficiencies of school-based law enforcement professionals and their agencies.

### Overview

During the last two decades in the United States, active threats or active shooters unfortunately have become a more frequent occurrence. The tragedy and horror that follow these incidents have become overwhelming; however, these watershed events have initiated change within the law enforcement community.

Following the North Hollywood bank shootout and the Columbine school shooting in the late 1990s, law enforcement responded by developing innovative tactics that utilized uniform patrol and led to improvements in equipment, such as the patrol rifle, and methods for how officers respond to these events.<sup>1</sup> Many of these innovative actions included an aggressive response both in combative tactics and immediate lifesaving treatment for those who have been injured during these events.<sup>2</sup> For example, the use of

individual first aid kits, or IFAKs, which include bleeding control devices such as tourniquets and trauma response, have become more commonplace.

Additionally, many jurisdictions and school districts are mitigating these types of incidents by partnering to address active threats and improve the overall safety of learning. The assigning of law enforcement professionals to schools and the initiation of safety protocols can and have mitigated many incidents.

### The problem

In recent years, there have been shortfalls in placing law enforcement within schools. A case in point is the Feb. 14, 2018, shooting in Parkland, Florida, at Marjory Stoneman Douglas (MSD) High School.<sup>3</sup> This incident highlighted both failures and successes by law enforcement. Despite the law enforcement professional assigned to the school not responding correctly, a neighboring agency pushed into the incident and performed lifesaving procedures. In the months following this event, Florida legislators mandated armed professionals be assigned to every school within the state.

More recently, we witnessed another breakdown in law enforcement's response in Uvalde, Texas, and the school-based law enforcement action is once again in question.

The ability for outsiders to speculate on what could have been done or why certain actions were not taken in many incidents may be rhetorical at best. The point that needs to be addressed is, what are the best practices for law enforcement professionals that are assigned to schools, how are these skills identified, and how are they facilitated and refined to a level of proficiency? How can we prevent these negative outcomes from happening in the future and provide a positive conclusion to these types of events?

The expectations for law enforcement to respond to these incidents are not in dispute; however, the methods or techniques, tactics and procedures utilized have not been standardized. The school-based law enforcement professional will respond as a single person to a crisis intervention. They are expected to eliminate the threat(s) or neutralize the subject(s) with extreme prejudice. The standard of "run down that hallway and shoot that suspect," may seem to encompass this, but it does not provide true guidance for those assigned to a school to carry out that task. This is not a question of courage, but actual knowledge and capability for the school-based law enforcement professional to respond effectively.

In simple tactical terms, school-based law enforcement will perform an unplanned hostage rescue to eliminate the imminent threat to life. Yet, "the performance of a planned hostage rescue is considered one of the most demanding of missions, in both resources and skills."<sup>4</sup> The fact may be that the average school-based law enforcement professional does not possess the skills to complete that task.

## Figure

# 01

## Basic Core Skills

### Academic:

- Basic school resource officer
- Crisis interventions
- Crisis interventions for juveniles
- Basic Crime Prevention Through Environmental Design (CPTED)
- Advanced Crime Prevention Through Environmental Design (CPTED)
- Instructor techniques
- Incident Command System (ICS)
- Gang and drug recognition and identification
- Social media and trends
- Threat assessment and management
- Tactical mindset
- Risk mitigation methods and models during training and operational performance
- Tactical threats in the first four to eight minutes of an incident
- Medical response in the first eight to 30 minutes of an incident
- Mitigation of potential security issues
- Personal equipment, carry and care
- School district policies, procedures and contractual responsibilities (statement of work and expectations)
- Fundamentals of ballistics as it relates to cover and concealment on campus
- Legal issues: law enforcement in the schools, use of force, state requirements and regular updates.

### Practical:

- Fundamentals of Close Quarters Clearing (CQC)
- Single officer tactics during an active threat
- Threshold evaluation
- Principles of hostage rescue tactics as they apply to single officers
- Guiding principles for individual patrol within the school
- Positional/tactical advantage
- Identification of geographic advantages on campus: choke points, angles, etc.
- Basic marksmanship
- Safe weapons handling skills
- Shooting and moving and advanced marksmanship skills
- Target identification
- Priorities of work under stress/hierarchy of threat
- Individual equipment carried, methods and proficiency with that gear
- First aid, trauma and bleeding control kits, what you carry, and staging of additional supplies
- Operational tempo: dynamic, stealth, methodical or combination
- Communications
- Seizure site selection/suspect control

For example, imagine if an administrator of a law enforcement agency told a uniform patrol officer he would be assigned to traffic and would be riding a motorcycle that day, but he had never been trained or even ridden a motorcycle. We can speculate as to the outcome, and utilizing hope as our best practice is a recipe for disaster. As with many specialized units, the need for ongoing and specialized training is required. It is not until there are negative outcomes that we look to improve who and what we do in the law enforcement profession.

If we are going to expect school-based law enforcement professionals to resolve an imminent threat to life, they must be provided the skills, knowledge and abilities to complete their mission successfully.

### Solutions

Law enforcement professionals have established minimum standards by both administrative and legal authorities, however, these standards alone do not provide for competency or maintaining proficiency. Identifying core skills and tasks and utilizing objective-based training with curriculum continuity methods will improve, maintain, and ultimately provide the most efficient, school-based law enforcement professionals.

Many of the skills, knowledge and abilities required for school-based law enforcement are perishable and will require both frequency of training and fidelity of material to establish a successful outcome.

A critical factor to consider is that all these skills will most likely be performed as an individual without backup or supervision. The officer will do what is considered one of the most difficult tasks, all with a handgun and their wit. With this concept in mind, traditional training methods will need to adjust to best deliver and refine these skills.

These proficiencies can be broken into two groups: academic and practical. Introducing these concepts should be done in in-depth training that requires several days or a week to complete. This will provide a foundation of knowledge and comprehensive understanding of the material. Frequency of training will best lead to its application and proficiency.

These courses of education should supply consistencies of standards, known as fidelity. Regular and ongoing training should be scheduled at frequent intervals, for example, weekly, monthly, bi-monthly, or quarterly. These frequency pieces of training do not need to be as long or in depth as introductory training; they should fine-tune skills and maintain proficiency to validate the original learning objectives.

Each school has its own unique needs and requirements; the guiding principles should keep this in mind when developing lesson plans and teaching these practical skills. The school-based law enforcement professional will have to mold and develop these skills to apply and function at their campus and within the confines of their area of operations.

By providing frequency of training (regular and ongoing), the ability to analyze and self-evaluate allows the individual professional to best create and develop operational skills and recognize their own needs, thereby creating proficiency. Validating, improving and evolving these practical skills will better prepare us to serve and represent our communities.

School-based law enforcement professionals are placed in many different environments, which present too many variables for any one person to know what to do in every specific circumstance. This is due to the many unpredictable factors of any one event.

Therefore, we adhere to principles that guide our actions. These “guiding principles” allow professionals to answer the question, “What do I do next?” and understand and utilize the concept of “priorities of work.”

This method of training utilizes a two-part premise. The first allows the student to gain a conscious competency in a skill. This comes from teaching a skill in a static environment. The student will imitate the instructor and then by repetition refine and improve. It is during a trial-and-error period, such as objective-based scenario training, that they build an unconscious competency.

The Basic Core Skills list (see **Figure 1**) is not all-inclusive, and for each proficiency, an individual lesson plan including terminal, enabling and validating objectives would be required. As stated, the initial training would be more in-depth; the frequency of training would be an opportunity for school-based law enforcement to validate their skills, knowledge and abilities.

This list provides a road map for moving forward. The

agencies and school districts that have the highest expectations of those assigned to their campuses will need to properly equip personnel. The establishment of best practices and standards will assist those same agencies and school districts in understanding the investment in protecting our youth.

As with any training programs or standards, they will have to stand up to a five-part legal standard in court based on constitutional case law.<sup>5</sup> In the simplest of terms, training should be realistic, contemporary, repeatable with frequency, documented and validated. This can only be possible if these core skills are identified, codified and acted upon.<sup>6</sup>

This summary intends to provide the building blocks that would allow for curriculum continuity in the delivery of these core skills (fidelity) to improve how school-based law enforcement responds to any critical incident. These training concepts would allow even the smallest of agencies to have a road map for success and provide best practices for all parties involved.

## Conclusion

The author George Santayana said, “Those who cannot remember the past are condemned to repeat it.”<sup>7</sup> School-



based law enforcement is a high priority in our community today and without a clear and concise way forward we may be destined to revisit the failures of the past.

Agencies who are looking to create training programs can look at the actions of the National Tactical Officers Association (NTOA), American Sniper Association (ASA), North American Police Work Dog Association (NAPW-DA), International Association of Chiefs of Police (IACP), National Sheriffs' Association (NSA) or any other representing body for law enforcement; their goal is to help set standards. For school-based law enforcement, there is the National Association of School Resource Officers (NASRO) and the Florida Association of School Resource Officers (FASRO); each is dedicated to providing guidance and services. The National Fire Protection Association has published the NFPA 3000 standard for active shooter/hostile event response.<sup>8</sup>

At this time in history, we have an opportunity to enhance and evolve the abilities of our school-based law enforcement professionals and the communities they serve. To achieve a positive outcome, the agencies they work for will need to invest in time, talent and material and develop a standard by which to prepare and equip those same professionals.

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### About the author



David Agata is a veteran law enforcement professional in his home state of Florida. His career started in South Florida in 1989 and he has served multiple communities during that time. His work in the city of Coral Springs spanned 20 years and included patrol, field

and department trainer, SWAT team member, and sniper team leader. He has worked with international teams from over a dozen countries in counter- and anti-terrorism. He has spoken and taught both nationally and internationally.

His work for the Department of Homeland Security and Department of State including the United States Coast Guard has provided validation for his methods of training and developing sound leaders and successful training outcomes. He has been published in multiple publications, including *The American Sniper Association manual*.

He obtained his bachelor's degree in criminal justice from Keiser University and his master's degree in criminal justice from the American Military University. He has received multiple awards from the communities and the agencies he has worked for. He received the prestigious Presidential Award for his lifetime achievement and final work on his master's thesis. He sits on the advisory board for the American Sniper Association and the National Patrol Rifle Conference.

He presently serves as a school resource deputy in Northeast Florida and is an adjunct professor for Keiser University. He is a literacy advocate for students and adults.

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**School-based law enforcement is a high priority in our community today and without a clear and concise way forward we may be destined to revisit the failures of the past.**



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# TACTICAL

## TOP 20 TACTICAL CONCEPTS FOR LAW ENFORCEMENT:

### PART THREE

BY DAVID PEARSON

This is the third in a series of four articles discussing the Top 20 concepts/topics that should be used to teach, present incident debriefs and discuss tactics. The concepts deal with many aspects of law enforcement, like leadership, tactical decision-making, training and professionalism.

This article covers the concepts of officer down, legal concerns, jeopardy, failure and opportunity.

# CONCEPTS



## 11 Officer down

No one wants to think about the possibility that they or one of their buddies might be injured and need rescuing; however, taking some time to mentally and physically prepare and practice for this might keep you from being overwhelmed. Contingency planning, the OODA loop and stress inoculation all help us understand the need to plan and train for these events. When discussing the concept of *officer down*, the topics addressed are self-care, buddy-care and officer carries.

While most officers are not trained medics, there are things they can do to help themselves or someone else until a professionally trained person can get there. First, do you carry a tourniquet and know how to use it? When was the last time you practiced with it? Second, do you carry some type of bleeding control bandage and know how to properly use it? Third, do you know how to check for a pulse and perform CPR properly? And lastly, have you thought about what you might say on the radio if injured and the sequence

of information you want to get broadcast? There are other topics for sure, but being proficient with these self-care and buddy-care tasks will make a big difference in a crisis.

When it comes to officer carries, every officer should have some idea of how to pick up a downed officer (or citizen) and get them to safety. There are numerous types of carries for different circumstances, but what is most important is to pick something that works for your agency and have everyone practice. I normally talk about three different carries: a two-person drag, a two-person carry, and a three-person carry.<sup>1</sup> Once you have decided the carries you want to learn, be intentional about scheduling the training. The Fort Collins Police Services had officers practice during yearly active shooter training. It also can be trained just as easily after roll call in the parking lot before officers hit the street.

Lastly, as you develop your tactics and organize perimeter, contact, less-lethal and other teams, do you consider adding someone to assist with an officer rescue if needed?

I have seen several videos where an officer goes down and the second officer is forced to decide on trying to engage the threat or get the officer to safety. Most times, they cannot do both. It's understood that not every agency can get three officers to do a building search or be on a back-perimeter position, but if you can, it is worth it.

## Legal concepts

It goes without saying that officers need to be aware of some important legal concepts. Freedom of speech, search and seizure, use of force, and dealing with suicidal subjects should be topics frequently addressed by agencies.

Every officer, from the agency executive down to the line level, should clearly know about and receive ongoing training on free speech issues. This includes scenario training so officers can work through issues that might come up and receive clear direction from the administration on how to handle these issues. And, while the right to free speech is at the core of our country's constitution, it is not an absolute right. There are times we can take actions to limit free speech. When considering a limit on speech, we should not be concerned about the message, whether it be about abortion, political ideology, civil rights or war. Officers should know the factors that can be used to limit free speech: time, place and manner. They also should know when and how to apply those factors. Law enforcement should not expect our line officers to deal with this issue in a vacuum. Administrators should be heavily involved in making these decisions. With the large number of public order incidents around the country, agencies should not have the opinion, "That will never happen here." All law enforcement organizations should have a good understanding of the First Amendment and the rights provided to citizens.

When discussing the Fourth Amendment, I usually focus on the use of force. While there are other court cases that address the use of force, the national standard for evaluating it is *Graham v Connor*. I continue to be surprised in many of my classes by how many officers know about the case but cannot tell me the factors that are used. Less than half of my students can tell me the three-prong test from *Graham* or the other factors that come into play. We know that if we are sued in federal court for a use of force, this case will be referenced. Officers should be able to cite this case and write a report that addresses the elements of this case.

In addition, when dealing with suicidal subjects, officers often rely on their state law to justify the use of force. Every state has a law that says, in essence, if you are dealing with someone who is suffering from a mental illness and is a danger to themselves or others, a police officer can use a reasonable amount of force, short of deadly force, to take that person into protective custody to get them help. The

complicating factor to consider is that if you end up in federal court, the state law does not matter. You will need federally recognized protection for your use of force. That protection must have come from *Graham v Connor*. If you cannot articulate this, you might want to rethink your use of force.

There is a lesser-known part of *Graham v Connor* that can be used to address the use of force in a non-criminal event that I refer to as the "back half" of *Graham*. This part of *Graham* speaks to the balance between a governmental interest and the nature and quality of the intrusion (use of force). We can use the safety priorities to help define the governmental interest. If we are dealing with a suicidal male with a gun in an open-air environment where members of the public are present, we can use the safety priorities to articulate a governmental interest and potentially have force as a resolution option.

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**It goes without saying that officers need to be aware of some important legal concepts. Freedom of speech, search and seizure, use of force, and dealing with suicidal subjects should be topics frequently addressed by agencies.**

## Jeopardy

The concept of *jeopardy* refers to actions taken by an officer that place them in an unsafe position. When the suspect or subject reacts in an aggressive manner, the officer feels the need to defend themselves. Consider an officer trying to use a de-escalation technique on a suicidal subject armed with a knife. As they try to "help," they move from their position of cover, move closer to the subject, and try to get the person to drop the knife using a soft, caring voice and non-threatening body language. The subject suddenly acts in a manner that the officer takes as a threat, and the officer shoots the subject. In this case, the officer induced jeopardy. The key to this case was the fact that the subject, originally, had committed no crime and was simply threatening their own life.

While this is a difficult concept to address properly in a few paragraphs, jeopardy normally is a suicidal topic. There are a few cases out of the Ninth and 10th circuit courts that have tried the use of jeopardy in a criminal case, but the Supreme Court continues to stress that officer proximity should not be used in a criminal case as a factor to evaluate the legality of a use of force. The issue of jeopardy normally is considered when officers create their own jeopardy in non-criminal cases; however, it can be created in some criminal cases given certain circumstances.

# TOP 20 TACTICAL CONCEPTS

Understanding your legal authority and search and seizure when using force is critical. First, assess what kind of call you are on. Is it criminal, suicidal, non-criminal, or civil? Second, assess the expectation of privacy and decide if you are legally allowed to be where you are when you use force. For instance, did you legally enter a home, encounter someone with a gun, and respond by shooting the person to defend yourself? Or, was your entry illegal? If it was illegal, even though you were on a criminal investigation, your illegal entry now opens you up to potentially having created your own jeopardy and the courts can now consider it.

The concept of jeopardy can be used to explain to administration or family members why we cannot make an entry on an armed suicidal subject inside their home by themselves. Even if you are given permission by someone with legal standing, you should explain that you cannot make entry because the likelihood that you will need to defend yourself (shoot the suicidal person) is very high. Since the courts have determined that on a non-criminal/suicidal call an officer cannot create their own jeopardy, you should tell that person that federal law prohibits you from going inside. This includes accompanying someone when they go inside. If a family member says, "If you don't go inside, I will," you still should not go inside with them. The risk of creating your own jeopardy is the same.

## Failures

When discussing *failures*, it does not mean anyone did anything wrong, it just means whatever we just tried (tactic, verbal command, or use of force, etc.) did not work. No one is at fault or to blame, it just did not work. This happens all the time.

We talk about the concept of failures for two main reasons. The first is to help with planning and keeping our OODA loop updated. Understanding that a plan or use of force might not work like we wanted, keeps us from being caught in a bad OODA loop and doing the same thing repeatedly, or doing nothing at all. Consider a less-lethal application where the first five less-lethal rounds did not work, and we say, "Well, maybe the next five or 10 rounds will work." Whether it's verbal commands or deadly force, we should have contingencies in mind. No matter how good the plan is, we should always ask, "What if this doesn't work?" If you ask yourself that question, it helps you be ready for the suspect's reaction, and it helps you think about Plan B or Plan C.

The second reason we talk about failures is to assist with our decision-making. Many officers describe situations where leaders had paralysis from analysis. These

## PART 1

1. Identity
2. Soft Skills
3. Safety Priorities
4. De-escalation
5. OODA Loop

## PART 2

6. Tactical Decision-making
7. The 4 Cs
8. Scenario-based Integrated Training
9. Leadership
10. Lethal vs. Less-lethal

## PART 3

11. Officer Down
12. Legal Concepts
13. Jeopardy
14. Failures
15. Opportunity

## PART 4

16. Tactical Pause
17. Contact vs. Cover
18. Space
19. Time
20. Speed

leaders knew they needed to decide or take some action, but they were worried about their plan or action failing. They then get into a bad OODA loop and never decide. This is especially prevalent when discussing the use of less lethal or chemical agents on a call. These leaders are worried they may create a deadly force encounter, or the suspect/subject might hurt themselves. They forget that if they can articulate a use of force, they do not create a deadly force encounter. That is the suspect's decision. Remember, the suspect/subject always has a say.

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**When discussing failures, it does not mean anyone did anything wrong, it just means whatever we just tried did not work. No one is at fault or to blame, it just did not work. This happens all the time.**

## Opportunity

The concept of *opportunity* has a broad meaning. It could mean taking the opportunity to get a person into custody, gain a tactical advantage, or use a less-lethal tool to gain compliance. Normally, opportunity is discussed in the context of less-lethal applications. We define opportunity as a set of circumstances created by the suspect/subject or the officer that allows for a good deployment of a less-lethal tool.

A common example used in training is a suicidal subject standing in an open-air environment with a knife to their throat. Normally, we would not launch a less-lethal round for fear the person might inadvertently stab themselves. However, if during the interaction, the person moves the knife away from their throat, this might be an opportunity.

There are a few important points when talking about opportunity. First, there should not be a race to “get to opportunity.” Take the needed time to get facts and intel, appropriately use verbal de-escalation techniques, and use tactics to our advantage. Second, we should have a few contingencies covered before we take advantage of an opportunity: lethal cover, a plan for arrest, and a plan in case there is a failure (the subject creates a deadly force threat, runs, or tries to hurt themselves).

Another area to discuss is when the suspect/subject does something you asked them to do. For instance, you ask the person to take the knife away from their throat and set it on a table. If they comply, while some might consider this an opportunity, further discussion is warranted. The person is doing what you asked. If you then use force and that does not work, it is unlikely the person will trust you for the remainder of the contact. Plus, you must be able to articulate

the necessity for the force when they are cooperating and doing what you asked. If the person reaches for the knife after setting it down, most consider that opportunity and would try to prevent them from rearming themselves.

The last issue related to opportunity revolves around when the decision to use less lethal is made to gain compliance, there is a failure, and the subject/suspect creates a deadly force encounter or hurts themselves. It is important that your administration understands and has approved of the concept of opportunity as described. This will provide the needed support for an officer's decision. If your agency would not support the concept of opportunity, then you will have to adjust the way it is trained.

Part four of this series will appear in the winter 2024 issue of *The Tactical Edge* and will discuss tactical pause, contact vs. cover, space, time and speed.

### Endnotes

1. There is a video on my YouTube channel that discusses these carries (RM-BLC Shift Briefing Series: Officer/Citizen Carries). <https://www.youtube.com/watch?v=UnrUSojebEU>

### About the author



David Pearson is a retired lieutenant with 32 years of law enforcement experience with Fort Collins Police Services in Colorado. He spent 13 years as a sergeant, 10 years as a lieutenant, and 19 months as an acting assistant chief. Pearson served in collateral roles as a SWAT team leader and Mobile

Field Force instructor. He has experience in investigations, drug task force, professional standards, training, and patrol. He also served as the director for the Colorado POST-certified Fort Collins Police Academy.

Pearson has been a law enforcement instructor since 1996. He has been an instructor for the National Tactical Officers Association since 2005 and teaches a wide variety of topics, most notably the Response to Suicidal Subjects course and the Less Lethal Impact Projectiles, Chemical Agents and Flash/Sound Diversionary Device Instructor course. He has served in the role of NTOA Less Lethal Section Chair since 2013. Pearson now works as the owner of Rocky Mountain Blue Line Consulting. He provides training and consulting services on leadership, tactics, use of force, and policy. In 2022 and 2023, he served as an interim commander for the Steamboat Springs Police Department.

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**There should not be a race to “get to opportunity.” Take the needed time to get facts and intel, appropriately use verbal de-escalation techniques, and use tactics to our advantage.**






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# The ROLE of Gut Instinct and Experience in RESCUE INCIDENTS

BY MIKE WALSH

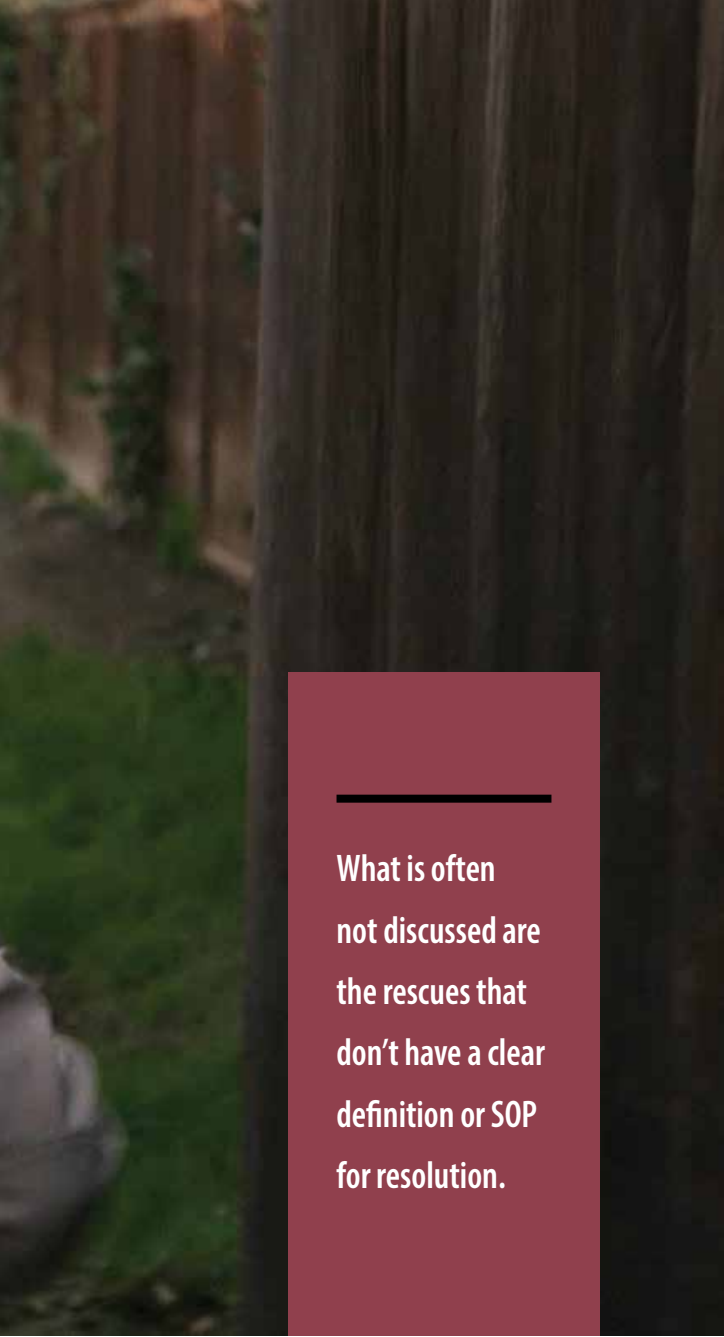
In law enforcement, we deal with very dynamic situations. These include active shooter and hostage-type incidents, to name a few. These are high-intensity, low-frequency events that require training to be successful.

Most law enforcement agencies have similar internal definitions for active shooters, hostage rescues and barricaded suspects. Most also have Standard Operating Procedures (SOP) for their staff on how to handle these situations.

Active shooter incidents are generally described as one or more subjects who participate in a random or systematic shooting spree demonstrating their intent to continuously harm others. The overriding objective appears to be murder rather than hostage-taking or robbery. These incidents occur in schools and places of businesses, to name a few. They may involve a student or former employee.

Hostage incidents are described as one or more subjects holding others against their will by force and/or fear. The hostages under these circumstances are likely bargaining tools, and their release may involve a real or fake negotiated deal. With legitimate hostage incidents, it is believed there are threats, inferred violence or actual violence toward the hostages.

Additionally, it is believed the suspect or suspects possess the means to harm the hostages. Examples would include subjects who enter a bank to commit an armed robbery and are caught inside by the arrival of law enforcement. The bank patrons may be used as bargaining tools by the suspects to facilitate their escape. Another example would be a domestic incident where a husband takes his wife hostage after assaulting her. His motive may include the fear of arrest for the assault. In this particular case, the suspect may



What is often not discussed are the rescues that don't have a clear definition or SOP for resolution.

negotiate with law enforcement for the release of his wife to facilitate his escape from capture.

As with the incidents mentioned above, most agencies have SOPs for their staff to follow. For example, most agencies require their personnel to enter a school for an active shooter and neutralize the suspect(s). As for hostage rescues, SOPs may include the establishment of a rescue team by patrol personnel while a SWAT team is mobilized to the crisis.

Now, these incidents fit into a fairly academic definition. What is often not discussed are the rescues that don't have a clear definition or SOP for resolution. I'm not referring to patrol staff arriving on scene of a house fire with trapped occupants. With these fire incidents, patrol staff will likely enter the structure and rescue those inside. The situations I'm speaking of are hybrid incidents, such as

a suspect who fled from a stolen car at the conclusion of a pursuit and ran into an occupied third-party residence.

In the scenario mentioned above, one cannot conclude that the occupants are or are not hostages being held against their will by the suspect with a weapon or threats of violence. It's not an active shooter incident unless intelligence indicates the occupants are being shot, yet it's not out of the realm of possibility for the suspect to start systematically engaging the occupants with gunfire, replicating an active shooter crisis.

Another example of these hybrid incidents would be an armed suicidal subject who flees upon the arrival of law enforcement. Other than being suicidal, there doesn't appear to be a crime. Now this subject, who is believed to be armed, flees into an occupied or believed to be occupied third-party residence. Again, are the occupants hostages or not, and can the incident turn quickly into an active shooter situation?

These incidents are rescues that can quickly transform into a hostage or active shooter event. Yet law enforcement often lacks significant intelligence allowing us to make the leap into these two classifications. As with any incident, more information could be developed nearly instantaneously. Occupants in the third-party residence could run from the location and state they've left one of their family members behind. The same occupants could exit the residence, leaving only the suspect behind. Now, this particular incident would no longer involve a rescue, but likely the deployment of barricade diplomacy.

As for rescues, let's say a subject who fled from a stolen vehicle ran into an occupied third-party residence, which was witnessed by people in the neighborhood and law enforcement personnel who were involved in the incident. Occurring nearly simultaneously, several of the third-party occupants exit the location and state an unknown subject forced open their front door and entered their home. Furthermore, all the occupants exited safely except for an elderly family member who remained inside. At the same time, officers who remained with the stolen vehicle broadcast over the radio that they located an empty pistol holster in plain view on the driver's seat. Now, what to do and how to do it?

As with many facets of law enforcement, there are rarely any black-and-white answers. Each situation is unique. What is important is the establishment of SOPs and training driving some of the decisions that need to be made.

Does your department have an SOP on how to handle this type of incident? Does the SOP indicate to set containment around the structure and establish a rescue team in the event law enforcement believes the remaining resident is in distress? Does your SOP tell you to gather the necessary resources and enter the structure regardless of any sounds or indications of distress? All good questions, so let's discuss options barring any SOP telling law enforcement otherwise.

These situations, as with many in law enforcement, require cops to use their intuition. More specifically, you have to see, hear, smell, taste and feel the situation. You must use your gut instinct. Based on your intuition, should an entry be made? Or, because of lack of personnel on-scene and potential breaching issues, would this response potentially put the third party occupant in greater peril? Could an immediate entry prevent the situation from evolving into a possible hostage rescue or active shooter? Both are good questions, but without a specific department SOP to handle these types of incidents, ingenuity, training, experience, timing and best practice will be the cornerstone for the proper response.

Let's say you arrive at the incident above with what you believe are the necessary resources. Your rescue element is equipped with breaching tools, and your personnel recently received breacher training from your agency's SWAT team. You also believe the suspect entered the location about two minutes before the establishment of the rescue team. Within that two-minute window, all occupants exited the location except for an elderly family member. Not hearing any sounds of distress from inside the location other than the yelling from the frantic family members who exited, you decide to breach a door and make an entry. Right or wrong?

The answer is not really that simple. The example provided included a well-equipped and trained rescue team and its timeliness. In addition to seeing, hearing, smelling, tasting, and feeling the situation, this was likely the correct decision for this team during this particular incident.

Let's say we have the same incident, and now the rescue team isn't timely, is low-staffed, or is not well-equipped. Maybe this team delays an entry until the arrival of additional resources and equipment. In the interim, they broadcast public address announcements toward the suspect and the elderly occupant inside the location. During announcements, the elderly occupant exits the location and is swiftly moved to safety. Obviously, an entry may not be necessary at this point, and the likely tactic will be barricade-type diplomacy.

Now, let's say the elderly subject doesn't exit the location during the announcement period. With the arrival of additional equipment and personnel, maybe an entry at that time could be warranted. Although this entry may not be as timely as the initial group discussed above, an entry was eventually initiated nonetheless. Other options, excluding an entry into the structure, could be the breach of the window into an area where the elderly occupant could possibly be hiding.

So, what is the correct answer? As with many facets of law enforcement, there are rarely any black-and-white answers. Each situation is unique. What is important is the establishment of SOPs and training driving some of the decisions that need to be made. These are used in conjunction with your gut instincts to increase the probability of a successful resolution.

In addition to SOPs, guidelines, instincts, training and experience, don't forget to evaluate the safety of the third-party occupant. If you believe this occupant is in danger or peril (entwined with instincts, among other things), then a rescue likely is necessary. Some agencies may be able to conduct this rescue timelier than others, while other agencies may be slightly delayed because of the lack of manpower, equipment, etc. Either way, both these agencies determined a rescue was necessary and performed an entry when the timing was right for them; as an entity. Barring an active shooter, or the direct knowledge that the incident has turned into a hostage rescue, the slightly delayed entry in the incident we've been discussing may be just as acceptable as the accelerated entry by the better-equipped and staffed agency.

As for tactics, always consider an evacuation of the third-party occupant if this occupant is located before suspect contact. Also consider obtaining breacher and entry training before this situation ever arises. A failed breach, or a delayed breach (barring the door isn't unlocked), could place third-party occupants or victims in greater peril. Training is crucial to not only the decision to make an entry, but the actual entry itself.

Generally, nothing we do in law enforcement guarantees the safety or rescue of innocent civilians. We are guided by agency policy, law, training, experience, past practice and instincts to make the best decision possible. For most agencies, "rescues" occur more frequently than active shooters and hostage rescue-type incidents. If you haven't planned or trained for rescues, take the time necessary and discuss tactics with your peers, subordinates and superiors. It will pay dividends in the end.

### About the author

Lt. Mike Walsh has been employed with the Riverside County (CA) Sheriff's Office since 1996 and has been with the full-time Emergency Services Team (SWAT) since 2001. He was a team leader for 16 years and is now a team lieutenant since early 2023. He is a hostage rescue, active shooter, firearms, chemical agent, less lethal and diversionary device instructor. Lt. Walsh can be reached at [mwalsh@riversidesheriff.org](mailto:mwalsh@riversidesheriff.org).

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**Nothing we do in law enforcement guarantees the safety or rescue of innocent civilians. We are guided by agency policy, law, training, experience, past practice and instincts to make the best decision possible.**



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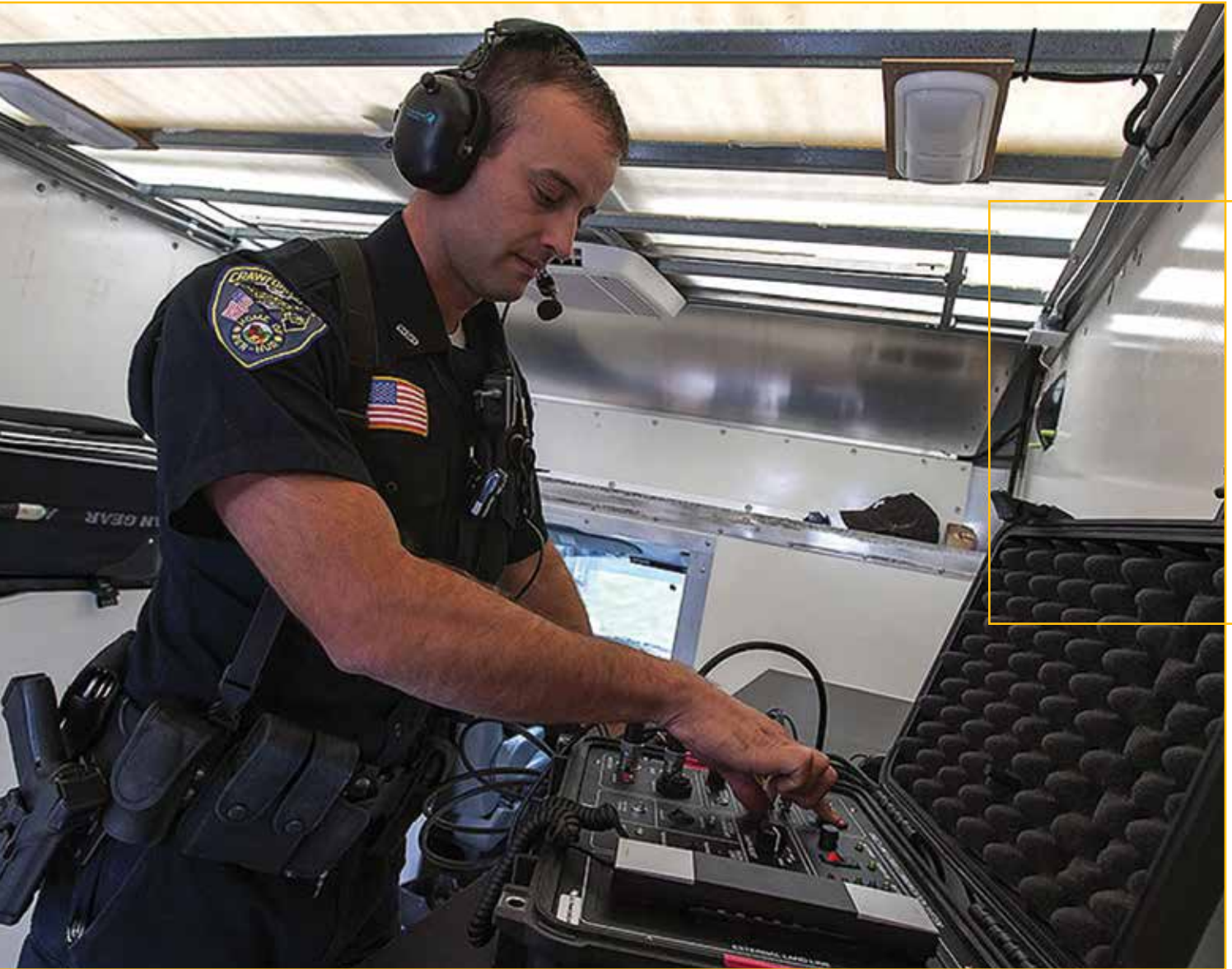


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**D**uring critical incidents, early commencement of negotiations can result in a safe surrender, assist with gathering intelligence, impede a suspect's actions, and allow time for SWAT and CNT resources to arrive. However, consideration should be given to whether or not to begin negotiations prior to having tactical response options in place. This article will assess the pros and cons of initiating negotiations during the initial stages of a critical incident regardless of the readiness of patrol or SWAT to react. It will also discuss when negotiations should be established or continued, and when police should wait until plans and resources are in place before engaging in communications with a subject.

**Verbal containment**

The term “containment” is usually defined in the physical sense to describe when the police are positioned to observe and take action to prevent a suspect from leaving a defined area. “Verbal containment” is a much more limited concept, where police communicate with a subject in order to attract their attention, distract or delay them from their plans or actions, and hopefully initiate a dialogue. With verbal containment, police may not be able to see the subject, and may not have sufficient resources in place to have a full spectrum of tactical options available to them. Verbal containment is not meant to be a replacement for meaningful negotiations; it is merely the first step to achieving that goal.

# BEFORE THE FIRST CALL IN:

## A Nuanced Strategy to Starting Negotiations

BY KEVIN CYR AND ANDY YOUNG

The superiority of physical containment over verbal containment may cause some to believe that verbal containment is nothing more than a bluff and should be avoided. However, verbal containment has a number of benefits.

The superiority of physical containment over verbal containment may cause some to believe that verbal containment is nothing more than a bluff and should be avoided. However, verbal containment has a number of benefits that exist even without physical containment being present. These include:

- Confirming that the suspect is at a location (although a lack of response from the suspect does not mean that he *isn't* there).
- Narrowing down the location of the suspect to a much smaller area, thus making physical containment easier.
- Creating the potential for an early resolution of the event.
- Beginning the de-escalation process of moving the suspect from an emotionally elevated state to a more rational one.
- Gaining the cooperation of uninvolved parties and getting them to a secure location, thus reducing the complexity of the problem.
- Beginning to form a more complete and accurate risk assessment of the suspect that could later assist the incident commander and SWAT members with any decision to intercede much sooner than they otherwise would have been able to.
- Discerning the suspect's willingness to talk with the police, the absence of which might be a risk factor.
- Distracting the suspect from focusing their efforts on victims or hostages.

- Assisting in checking on the welfare of hostages.
- Distracting the suspect from police establishing containment and building a response capability.
- Interrupting the suspect from planning or committing criminal acts that they were already engaged in or from committing acts against responding officers.

The benefits of verbal containment were clearly visible in the 2015 Paris attacks. The Research and Intervention Brigade (BRI) responded to the Bataclan nightclub where multiple suspects were holding numerous hostages. The BRI immediately began negotiations while they planned their tactical options. For the next hour, no hostages were killed, and the BRI successfully held the suspects' attention, though there were many indications that a peaceful resolution could not be "negotiated." No further hostages were killed from the time negotiations began until the time BRI launched its assault.<sup>1</sup>

Even without the subject responding, verbal containment has the potential to distract a crime in action. One-way communication with a subject notifies them of police presence and communicates the message that the police are not going away. Through a calm tone of voice, officers can start to de-escalate the emotion of the situation. In the event of a hostage-taking, the one-way police communication may provide much-needed reassurance to the hostages, possibly preventing them from taking some action that may antagonize the suspect and create additional risk.

Notwithstanding the many benefits of verbal containment, experience has shown that police are sometimes reluctant to engage in communication with a suspect absent physical containment. Responding officers often are worried that by initiating communication, they may generate a violent reaction from the subject, which they will have no means of counteracting. While this is understandable, this concern should not always result in delayed communications.

### Delaying negotiations

There are three main instances when it would be advisable to delay communication efforts with suspects until police have more robust levels of resources on scene.

The first is when the initial efforts by patrol to communicate with the suspect result in a failure to build rapport or a fracture in the relationship. In those cases, it may be of benefit to give the suspect some soak time and then reintroduce a negotiator with more experience and better training. This is particularly important when the suspect is presenting with mental health issues which may be beyond patrol or SWAT's ability to manage. CNTs often have a mental health professional attached to their team or available for consultation, and research has shown this correlates with the peaceful resolution of a critical incident.<sup>2</sup>

The second is when patrol or SWAT is faced with a critical lack of resources and must choose between building tactical plans or initiating communications. Depending on the nature of the incident, police will likely have to prioritize physical containment and/or building tactical options for a response to a threat over beginning negotiations. If, however, it is possible to begin working on physical containment and tactical plans, then there is usually little need to delay communications, even if the physical containment and tactical options won't be immediately available.

The third is when the police presence is covert and initiating negotiations would erode a significant tactical advantage of surprise. There is a substantial difference in the tactical surprise when the suspect knows the police are present but does not know when a tactical rescue will be launched, and the tactical surprise when the suspect has no idea the police even know about the offense, let alone are at the scene. When the suspect doesn't even know the police are there, the tactical advantage is so pronounced that it should only be surrendered after very careful consideration.

The quintessential example of this strategy is a kidnapping for ransom investigation. Once the stronghold is identified, SWAT typically will not engage in overt lockdowns of the residence and begin negotiations. Doing so gives the suspects the choice of whether or not to turn the kidnapping into a murder. Instead, SWAT usually will conduct the tactical rescue with complete surprise, which offers the best chance of saving the victim.

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**The benefits of marshaling all resources and having tactical plans in place before establishing contact can be the preferred strategy, but every situation must be analyzed on its own merits.**

This occasionally presents itself in other hostage-type scenarios. For example, in a recent callout in which one of the authors was involved, a woman called police to say she had escaped from the back of a violent pimp's van, but there was another woman still locked inside. Surveillance resources located the van on a rural property, and SWAT was able to affect a rescue before the suspect even knew the crime had been reported to police.

There are many other scenarios where the risk of the situation is such that patrol does not initiate contact with the suspect, and instead calls for SWAT and CNT at the outset. In such events, the benefits of marshaling all resources and having tactical plans in place before establishing contact can be the preferred strategy, but every situation must be analyzed on its own merits.

That said, the benefits of overt police presence should not be understated, and police presence forms the foundation of use-of-force models for a reason. It should not be automatically assumed that the suspect is aware of police presence and is non-compliant. For example, one of the authors responded to a call in which the subject did not know the police were there until negotiators made their call. After introducing themselves, the subject was surprised to learn police were outside and offered to come out the front door and hand his pistol to the first officer he saw. Negotiators spent the next 30 minutes talking the subject into staying in his house until a safe come-out plan was in place and tactical elements were ready for him.

During critical incidents, there are two common scenarios when communication/negotiation is either not established or has ceased:

**1. Patrol is waiting for SWAT.** Patrol is the initial responder to almost every call for service. During that initial response, they will almost always attempt to initiate communication with the suspect. When it becomes clear that SWAT is required for the call, patrol will often cease communication as they await SWAT's arrival. Patrol officers may feel like they don't have the expertise to handle the call. Or, they fear that they will do something that will interfere with SWAT's strategy.

There is some legitimacy to this concern. On a recent call for a suicidal jumper on an elevated train platform on a cold winter night, patrol officers gave the distraught subject an entire package of cigarettes in an attempt to build rapport. A more experienced negotiator would have given only





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one. As a result, the team was at this call for a much longer time than would otherwise have been the case as the subject happily smoked his full pack of cigarettes.

For the most part, however, there is little downside in patrol continuing their communication with a subject until SWAT has fully taken over, and negotiators often will coach a patrol officer who is doing well instead of replacing that officer with a negotiator.

**2) When SWAT is making their plans.** If SWAT arrives to find communications with the suspect have ceased, they often are reluctant to re-initiate communication until they have their response plan in order. However, since the suspect already knows the police are there, there is little downside to continuing communication. In fact, failure to communicate may worsen the situation. If the suspect believes police are refusing to talk, this may cause frustration and confusion, and create risk.

Just as patrol can be reluctant to act when SWAT is en route, SWAT may also be reluctant to begin communications when they are waiting for CNT to arrive. Instead, the tendency is for SWAT to focus solely on developing tactical resolution options, without realizing how beginning negotiations can assist in building their tactical plans by locating the suspect, distracting the suspect from where the main assault force is staging, and creating cover for audio or video probes.

There are some circumstances in which SWAT is compelled to engage in negotiations. The first would be if CNT are significantly delayed in their arrival to the incident site. The second would be if the incident site is such that the only means of negotiation are via the SWAT members within the inner perimeter. Few would argue that SWAT has to be capable of engaging in negotiations in these circumstances. However, if SWAT is expected to negotiate in those situations, then they also are expected to be able to begin negotiations concurrently to building tactical plans or while waiting for CNT to get briefed up and ready to take over. Simply put, SWAT is expected to be able to begin negotiations at the first available opportunity.

The NTOA SWAT standards clearly indicate that this is a performance expectation of SWAT. Standard 3.11 states that SWAT teams should train their officers in communication skills including basic negotiation techniques and tactical communication techniques. This expectation is logically sound — if an agency is going to train SWAT members to the highest level of use of force, then they must ensure SWAT has higher training in de-escalation tactics.

## Conclusion

The “absence of verbal contact or satisfactory relationships with the perpetrator, even after several hours of negotiation” has been found to be an indicator of imminent danger during critical incidents, whereas a “relationship of

trust between the negotiator and the perpetrator” has been found to be an indicator of a positive resolution of a critical incident.<sup>3</sup> The purpose of verbal containment is to attempt to establish a relationship of trust between the suspect and the police and increase the chances of a negotiated surrender. There is no evidence to suggest that initiating communication with a suspect is more likely to generate a violent action than *not* communicating with a suspect. In fact, experience has demonstrated that negotiations have a high percentage of success.

Though every situation must be analyzed on its own, verbal containment is most valuable when combined with some ability for police to intercede. However, that does not mean verbal containment is of no value without physical containment.

## Endnotes

1. Homeland Security Advisory Council (2016), *The Attacks on Paris, Lessons Learned*. Available at: [https://publicpolicy.pepperdine.edu/hsac/content/hsac-paris-lessons-learned\\_whitepaper.pdf](https://publicpolicy.pepperdine.edu/hsac/content/hsac-paris-lessons-learned_whitepaper.pdf)
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## About the authors

Inspector Kevin Cyr, LL.M. of the Royal Canadian Mounted Police is the Officer in Charge of the Lower Mainland District Integrated Emergency Response Team, a full-time multi-agency team comprised of five agencies and 63 officers. He has a master’s in criminal law and has published internationally in law and criminology journals. He is an adjunct criminology instructor at the University of Fraser Valley and teaches risk management and law at the Canadian Police College.

Dr. Andy Young is a retired Professor of Psychology and Counseling and continues to serve as a negotiator and psychological consultant with the Lubbock Police Department’s SWAT team, which he has done since 2000. He also heads LPD’s Victim Services Unit and is the director of the department’s Critical Incident Stress Management Team. He has been on the negotiating team at the Lubbock County Sheriff’s Office since 2008 and is on the team at the Texas Department of Public Safety (Texas Rangers, Special Operations, Region 5). He is the author of, “Fight or Flight: Negotiating Crisis on the Frontline” and “When Every Word Counts: An Insider’s View of Crisis Negotiations.” He was recently added as a third author for the 6th Edition of “Crisis Negotiations: Managing Critical Incidents and Hostage Situations in Law Enforcement and Corrections.”

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**If an agency is going to train SWAT members to the highest level of use of force, then they must ensure SWAT has higher training in de-escalation tactics.**

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# RED DOT PISTOL OPTICS

## ARE THEY A GAME CHANGER?

BY BEN RAYMOND

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It has been said that there are two things cops hate: The way things are, and change. So, it should come as no surprise that there may be pushback within some agencies, or with some officers, to transition to red dot optics for pistols. As a profession, law enforcement should not “buy in” to every new tactic or gimmick somebody tries to sell us, even if it is painted black and labeled as “tactical.” However, red dot pistol optics are not new and have been tried and tested for years in competition and elsewhere. Let’s take a closer look at the pros and cons of red dot pistol optics.

One of the biggest arguments that can be made in favor of a red dot optic is the ability and necessity to be target- or threat-focused. Since the inception of iron sights, shooters have been taught to identify the target, properly align the sights on the area of the target one wishes to hit, and ensure the front sight fits neatly into the notch created by the rear sight with equal light on both sides, even across the top. Then, focus on the front sight intently, allowing both the target and the rear sight to be blurred. This three-planes-of-focus process takes time and visual acuity. During violent confrontations in which officers had to shoot their weapons in self-defense or defense of others, a number of those officers will tell you they did not focus on their front sight at all.

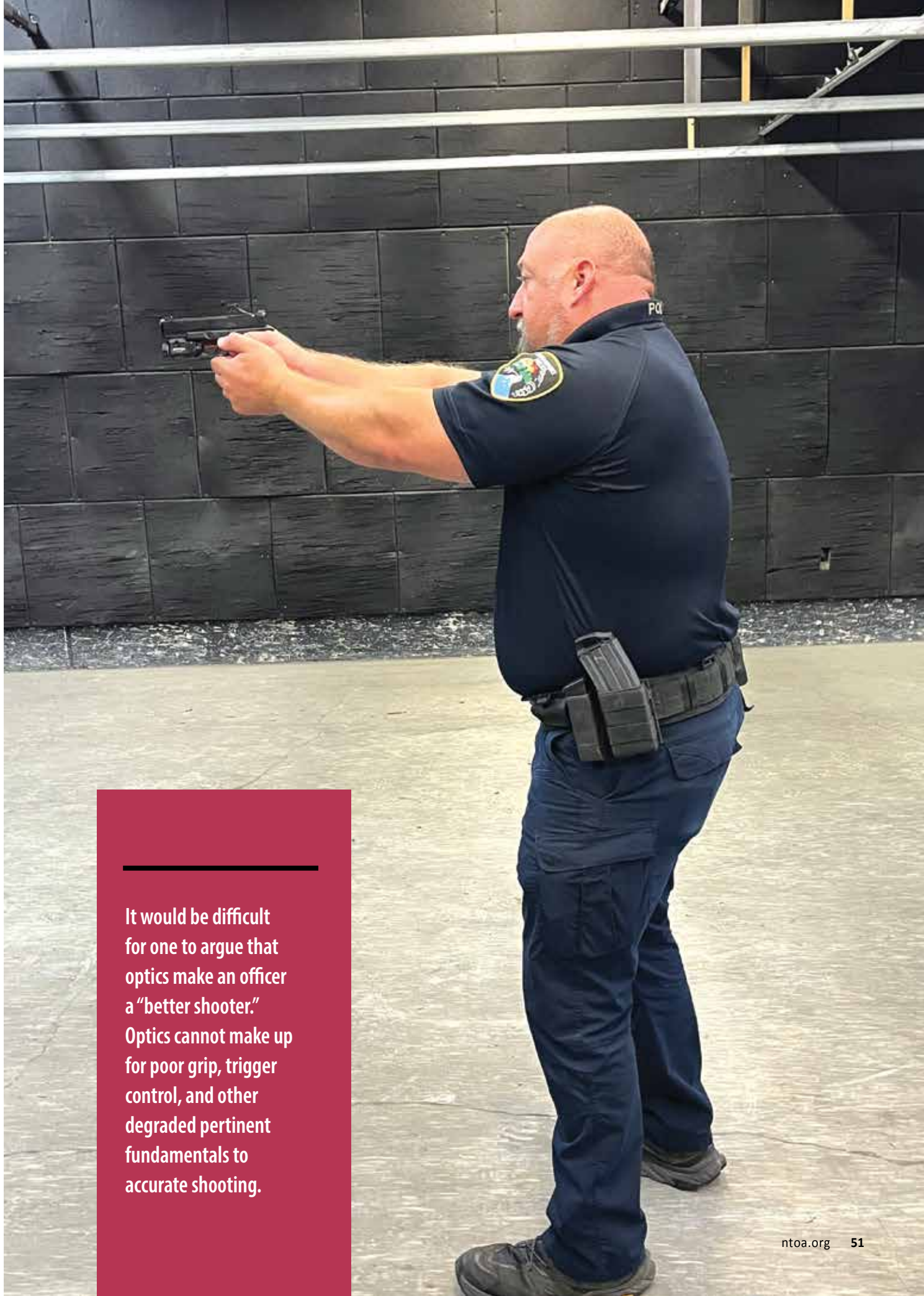
Studies also indicate that many officers experience tunnel vision during violent encounters and are unable to change their focus from the threat to the front sight of their weapon. Physiologically, our brains want as much information as can be provided about that which may harm us.<sup>1</sup> Having a red dot optic on our pistol helps alleviate some of these problems. With an optic, the shooter is taught to focus on the threat, or target, and allow the optic to center itself

behind the dominant eye. No longer are we teaching officers to shift their focus from a deadly threat to their sights.

Another problem created with the three planes of focus needed for iron sights is that many officers have developed the habit of closing the non-dominant eye so they can more clearly focus on the front sight. Again, our brains were not designed to take in limited information when our lives are being threatened, so many times these same officers do not close an eye when engaged in violent confrontations. Hence, officers may not be able to focus on their iron sight despite having been trained to do so.

Perhaps less noticeable are the problems associated with picking up iron sights under low-light conditions. Some of these issues have been addressed with various types of “night sights” on the market. However, there are still problems associated with the illumination fading over time and lack of proper maintenance or replacement when needed. This is not a concern with an optic, although officers will probably need to adjust the brightness level of their optic based on their typical lighting conditions (i.e., night shift vs. day shift officers).

Before continuing, well-trained and competent shooters may be questioning some of these statements about the various methods, and perceived shortcomings, of shooting iron sights. This article is in no way intended to argue the validity of iron sights; the system has served me well for decades, as it has many of those reading this article. Yes, officers can reach a level of training that allows them to focus on their sights during stressful and violent shooting incidents. Yes, one can teach oneself to shoot iron sights using a threat-focused approach. However, these individuals are not the rule we see in our cadet classes, nor are they common amongst even our most dedicated and well-trained officers.



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It would be difficult for one to argue that optics make an officer a “better shooter.” Optics cannot make up for poor grip, trigger control, and other degraded pertinent fundamentals to accurate shooting.

**If studies show us our instinct is to focus on a threat, both eyes open, to take in all available information so we can make the best decision for survival, why would we not want to set ourselves up for success?**

It would be difficult for one to argue that optics make an officer a “better shooter.” Optics cannot make up for poor grip, trigger control, and other degraded pertinent fundamentals to accurate shooting. Optics also do not make a weapon system more accurate. However, when one looks at the research and considers our body’s response during stressful events such as a police shooting, it becomes hard to argue against a system that encourages a two-eyes-open, threat-focused approach.

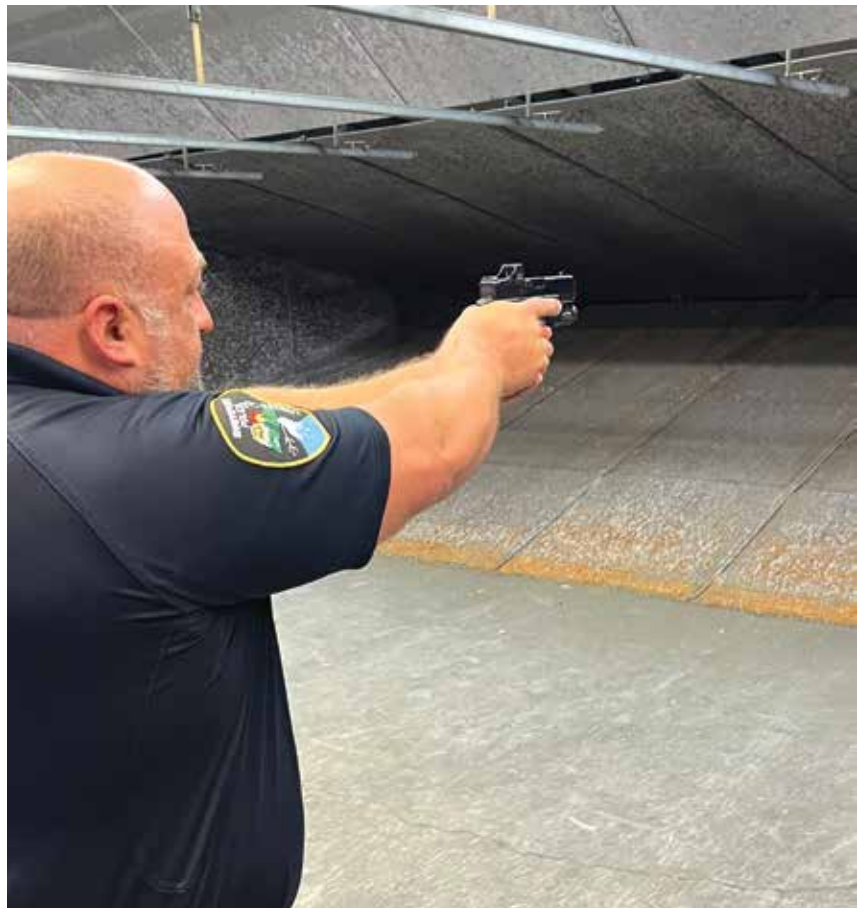
As a veteran law enforcement officer having fired tens of thousands of rounds through various handguns, I have seen a noticeable improvement in my speed and tactical accuracy using an optic, especially as the distances increase. (My use of the term “tactical accuracy” refers to acceptable shot placement within the preferred target area; hence, shots may not be touching one another such as one would expect, or strive for, with a precision rifle but rather all shots are within an acceptable area of deviation.) Whereas an iron-sighted weapon tends to cover a large portion of chest-cavity-sized targets at 50 yards or so and certainly at longer ranges, a 3-5 MOA (minute of angle) red dot is easily visible and allows for quick sight orientation. If the shooter does his job properly, accurate shots at distances of 75 or even 100 yards are plausible.

For those who have trained and carried a handgun equipped with iron sights for their entire lives, putting a red dot optic on a pistol does require some additional training and repetition. Not focusing on the little red (or green) dot bouncing around on the target takes some time to get used to. However, if studies show us our instinct is to focus on a threat, both eyes open, to take in all available information so we can make the best decision for survival, why would we not want to set ourselves up for success?

Our agency sent several firearm instructors to a reputable training program to become certified in red dot pistol techniques. After a couple full days of learning the new technique, and plenty of daily practice, be

it dry-fire or live, our instructors recognized the benefits of the optic, and all have transitioned to an optic for their duty weapons. With some range time and dry-fire practice, even a novice shooter can pick up the concept quickly. Receiving quality training is a necessity and our instructors learned as much about new insights into body mechanics and form as about red dot optics on pistols. The two-day Red Dot Instructor Development Course provided plenty of instruction and shooting drills to reinforce the skills being taught. There are several great instructors and reputable courses available, so finding training close to home should not be an issue.

Are there any real cons to red dot optics on pistols? Yes, but one would have a hard time validating any of them as reasons not to carry an optic-mounted pistol. Sure, the battery or charging system could fail, but this is the reason officers should have backup iron sights in the lower quadrant of their optic window. If the optic were to fail, go back to the system we used for decades. However, if officers change out batteries at least annually, this should not be a major issue. Even if the optic company advertises that the sight will work for 50 billion hours on one battery, why not spend \$5 and greatly reduce the possibility of failure from the equation? What about the argument that one could drop the optic and shatter the viewport altogether-



er, rendering even the backup iron sights useless? Yes, that could happen, but learning to use the optic body itself or the backplate of the pistol as an aiming point is accurate within the close ranges most law enforcement shootings occur. One could easily play these “what if” scenarios with iron sights, too. What if the front sight falls off? What if the rear sight gets coated in mud? One could create endless scenarios as to why an optic may fail when needed, but if officers maintain their equipment properly, then optics are no more likely to fail at the crucial moment than any other piece of equipment we carry.

So, are red dot pistol optics a game changer for law enforcement? I guess it depends on whom you ask, but there are some very valid arguments to be made that red dot pistol optics are the wave of the future. Those of us who grew up driving standard shift vehicles may miss some of the “good old days” too, but try to find a new vehicle today that is a stick shift.

Should we still teach cadets to shoot on iron sights? We still teach our children how to add, subtract, multiply and divide even though calculators make it much easier and quicker, especially with complex numbers. Every officer should still understand the concepts of shooting iron sights, but it does not mean we need to limit ourselves. Technology can be a good thing, and, in this instance, we need to embrace it.

## Endnote

1. Siddle, Bruce. “Scientific and Test Data Validating the Isosceles and Single-Hand Point Shooting Techniques.” February 1998.

## About the author



Sgt. Ben Raymond is a 23-year veteran with the Shreveport (LA) Police Department, currently assigned as an instructor at the Shreveport Police Regional Training Academy where he teaches cadets and in-service personnel in firearms, defensive tactics and legal updates. His previous assignments include patrol, narcotics investigations, SWAT and chief administrative assistant. He served as the chief of police for the Shreveport Police Department for three years (2018-2021) before stepping back down to the rank of sergeant. The bulk of his career (14 years) was spent working narcotics and as an operator, sniper and ultimately a team leader and training coordinator for the special response team. He was president of the Louisiana Tactical Police Officer’s Association (2016-2018). He has instructor certifications in several disciplines, but his passion lies in shooting and tactics. Sgt. Raymond has a Bachelor of Arts in criminal justice from Northeast Louisiana University.

**Every officer should still understand the concepts of shooting iron sights, but it does not mean we need to limit ourselves. Technology can be a good thing, and, in this instance, we need to embrace it.**

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# THE BALANCE OF SAFETY AND RIGHTS:

Examining the Knock-  
and-Announce Principle in

## ***PENATE V. SULLIVAN***

BY ERIC DAIGLE

The First Circuit Court of Appeals' decision in *Penate v. Sullivan* offers a detailed examination of SWAT team entries and the significance of the knock-and-announce principle in upholding individuals' constitutional rights as guided by the Fourth Amendment. In this case, Worcester (MA) police were called to respond to a distraught woman's report of sexual assault. With the victim's assistance, the police located the crime scene at an apartment on Preston Street. Due to the mention of a handgun by the victim, a SWAT team was assembled and tasked with executing a search warrant at the identified apartment. The execution of the warrant led to an unexpected and tense confrontation with Isaura Penate, the plaintiff, who was a 19-year-old pregnant woman unconnected to the criminal incident.



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## Penate v. Sullivan serves as an important reminder of the intricate balance officers must strike between conducting searches, seizures and entries, and respecting individual rights.

Penate subsequently initiated a § 1983 claim, alleging that several of the officers violated her constitutional rights. Specifically, she contended that her rights to be free from excessive force, unreasonable searches and seizures, and unlawful entry into her home were infringed upon by the actions of the officers involved in the execution of the warrant.

### Facts of the case

In the early hours of April 12, 2016, Worcester police were called to a rooming house where they found a victim of sexual assault. Sharing her traumatic experience with one of the detectives, she recounted leaving a club with two men who claimed they knew her brother. After being brought to her brother's apartment, she was convinced to accompany them to a party in a silver SUV. Shortly after arriving, she was sexually assaulted. She noticed a gun in the waistband of one of her assailants. Fearing for her life, she escaped, leaving behind her belongings. Guided by her description, police identified the crime scene and a parked gray SUV that corroborated her account, and obtained a search warrant for Apartment 3 at 22 Preston St. The SWAT team breached the apartment's door, expecting to find a dangerous rapist, but instead encountered Penate, 38 weeks pregnant and not fluent in English.

Although officers claimed to have announced their presence, the court accepted Penate's account and determined the entry occurred without sufficient announcement. Clad in full tactical gear, the officers confronted Penate with weapons drawn, with one aiming a gun at her and commanding her to raise her hands. Penate complied, and she was removed from the apartment. After continued investigation, the officers soon realized that the apartment differed from the assault victim's description.

Amid the chaos, Penate began having contractions, and a subsequent medical evaluation diagnosed her with post-traumatic stress disorder. She later filed a § 1983 suit, challenging the officers' actions.

The district court granted summary judgment for the defendant officers, concluding that the officers did not violate Penate's constitutional rights and that, even if they did, they were entitled to qualified immunity.

Penate appealed to the First Circuit, and after careful review, the First Circuit affirmed the lower court's decision favoring the defendant officers.

The court's reasoning dealt with Penate's § 1983 claim, where she made three arguments. First, she claimed that the officers violated her right to be free from unreasonable searches by failing to knock and announce their presence. The court noted that the officers had credible information suggesting the presence of an armed suspect, and their approach prioritized immediate safety. Second, she argued that officers violated her right to be free from excessive force. The court emphasized that the law in 2016 did not clearly establish that an officer raising their weapon briefly constituted an excessive use of force. Third, Penate alleged the overall conduct of the officers, including failure to investigate further and the SWAT team's no-knock entry, rendered the entry and seizure unreasonable. The court stated that it would not have been clear to a reasonable officer that this violated established law. The officers thus were entitled to qualified immunity.

### Conclusion

*Penate v. Sullivan* serves as an important reminder of the intricate balance officers must strike between conducting searches, seizures and entries, and respecting individual rights. The First Circuit's decision illustrates the importance of meticulously evaluating both the level of force and the specific protocols employed in executing search warrants. It brings to fore the necessary balance that must be maintained between immediate safety needs, such as the potential threat of an armed suspect, and the stringent adherence to constitutional standard, like the "knock and announce" rule, even when faced with high-stakes situations.

This case serves as a valuable training tool for law enforcement officers. It underscores the significance of following established protocols, such as knock and announce, even when faced with high-stakes situations. The need for continuous assessment of the level of force used during an operation is evident, as it should not be excessive or unreasonable. A thorough investigation before executing a warrant is vital to prevent potential legal challenges, and regular training on constitutional rights can help officers confidently and lawfully navigate complex situations.

### About the author

Eric P. Daigle Esq. practices civil litigation in federal and state court with an emphasis on defending municipalities and public officials. He acts as legal adviser and consultant to police departments across the country. Daigle is the Legal Section Chair for the NTOA.

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**The need for continuous assessment of the level of force used during an operation is evident, as it should not be excessive or unreasonable.**



Top score — #1 Operator  
Col. Roland Butler of the Maryland State Police (left) and  
F/Sgt. Brian Schweers, Assistant Commander of  
the Maryland State Police Special Operations Division

Nampa Police Department — #1 Team  
Represented by (l-r) Sgt. John Parsons and Sgt. Scott McCain



# PFQ 2023 CHALLENGE

## PFQ May Challenge — 2023

In May 2023 the NTOA conducted its third PFQ Challenge. All operators who successfully maxed the test with 50 points are listed on page 57. The top 10 scorers received a one-year membership to the NTOA and a formal certificate of achievement for their accomplishment. It is with great pleasure that the NTOA Physical Fitness section acknowledges and celebrates the best of the best within our nation's ranks of ERT and SWAT operations for their remarkable achievements on the NTOA PFQ. Their levels of strength, endurance, speed and fortitude set them apart and position them at the tip of the spear. These people run toward the sound of danger and thrive when they engage the source of danger a little bit faster and better than everyone else.

Special recognition is in order for Brian Schweers of the Maryland State Police on the overall highest PFQ score of 174 points (Fittest Operator Award) and to the Nampa (ID) Police Department on its Fittest SWAT Team Award. The gold standard of 50+ points on the PFQ was achieved by 106 operators, and 13 operators achieved over 100 points.

In addition to the objective data collection that the PFQ testing provided, there also were incredible testimonies

of increased unit cohesiveness, trust, esprit de corps and operational readiness.

Over the next several months, the NTOA Physical Fitness section will meet to further review the objective data in addition to the recommendations of areas where the test and testing administration can be improved.

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# PFQ TOP SCORES 2023

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**Phil Breitchaft**, Kenosha Police Department  
**\*Luke Bryant**, Augusta County Sheriff's Office  
**Alex Burgoyne**, Nampa Police Department Tactical Response Team  
**Aaron Busche**, Greenfield Police Department  
**Jeremiah Callicutt**, Asheboro Police Department  
**Chuck Castleberry**, Brentwood Police Department  
**Paul Chabot**, Joint Tactical Support Team (Estevan Police Service)  
**\*Christopher Clark**, Prattville Police Department  
**Tim Coats**, Archdale Police Department  
**Ryan Cobett**, St. Joseph County Police Metro SWAT  
**Tyler Cook**, Alachua County Sheriff's Office  
**Joshua Cooper**, Staunton Police Department  
**Cronk Cory**, St. Joseph County Police Metro SWAT  
**Dustin Davis**, Nampa Police Department Tactical Response Team  
**\*Sebastian Dessert**, South Jordan Police  
**Aaron Dillhoff**, Kenosha Police Department  
**Nicholas Dorau**, Kenosha Police Department  
**Evan Drescher**, El Cajon Police Department  
**Ben Dukes**, Cookeville Police Department  
**Kyle Evanetski**, Town of Tonawanda Police Department  
**Thaddeus Fanning**, Lane County Sheriff Office  
**Tony Ferro**, Gainesville Police Department  
**Zach Fischer**, St. Charles Police Department  
**Terry Fletcher**, City of Waukesha Police Department  
**Wyatt Flickinger**, Bettendorf Police Department  
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**Chris Gardner**, Lane County Sheriff's Office  
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**\*Zachary Smigiel**, Kentwood Police Department  
**Bryan Spakowicz**, City of Waukesha Police Department  
**Zach Stringer**, Prosper Police Department  
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**Ronald Thorton**, St. Joseph County Metro SWAT  
**Taylor Trimboli**, Lane County Sheriff's Office  
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**BJ Wendling**, Prosper Police Department  
**Luke Wible**, Randolph County Sheriff's Office  
**Brian Wilson**, Kenosha Police Department  
**Matthew Wilson**, Charleston Police Department  
**Eric Wojnowski**, El Cajon Police Department  
**Don Yoak**, Garland County Sheriff's Office  
**Seth Young**, Brentwood Police Department  
**Curt Zabala**, Prosper Police Department



\* Top 10 scores

# ST. CHARLES COUNTY SWAT TEAM BRINGS NTOA'S PFQ CHALLENGE TO LOCAL HIGH SCHOOL FOOTBALL CHAMPIONS

BY RYAN STRECK

In an unprecedented event that brought together local law enforcement and athletic prowess, the Saint Charles County (MO) Regional SWAT Team challenged high school football teams with the NTOA's intense SWAT Physical Fitness Qualification test show-down, leaving spectators in awe of the displays of strength, endurance and teamwork.

The extraordinary event took place with teams from three different high schools: the Troy Trojans, Wentzville Liberty Eagles, and the 2022 Missouri state champs, the Francis Howell Vikings. The high schools' state-of-the-art training facilities provided the perfect backdrop for the thrilling face-off. The idea behind the challenge was to promote community engagement and foster positive relationships between the police force and the younger generation while emphasizing the importance of physical fitness and teamwork.

NTOA'S PFO



CHALLENGE



The Saint Charles County Regional SWAT Team, known for their precision, discipline and dedication to protecting the community, welcomed the opportunity to showcase their abilities outside their usual crime-fighting duties. The challenge aimed to break down barriers and show a more approachable side of law enforcement while inspiring the youth to pursue active and healthy lifestyles.

On the other side of the competition, the high school football teams were eager to prove their mettle against the formidable SWAT officers. Known for their grit and passion on the football field, these young athletes relished the chance to test their skills in a different arena.

The challenge encompassed a series of physically demanding exercises, each designed to test different aspects of fitness and teamwork. The event kicked off with an

800-meter run, 400-meter walk/run with a vest, gas mask and carrying two 25-pound weights, burpees, air squats and pull-ups. All these exercises are designed to overcome various challenges that SWAT officers face in the line of duty. The energy was palpable as the teams pushed themselves to the limit, with spectators cheering on their favorite sides.

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**The idea behind the challenge was to promote community engagement and foster positive relationships between the police force and the younger generation while emphasizing the importance of physical fitness and teamwork.**



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## PHYSICAL FITNESS

One of the many highlights of the event was watching the display of camaraderie and mutual respect. Members of the SWAT and high school football teams mingled between challenges, sharing experiences and words of encouragement. This interaction helped bridge the gap between law enforcement officers and the young athletes, promoting understanding and appreciation for each other's roles in the community.

After a day of intense physical challenges and camaraderie, both sides emerged victorious. The real triumph, however, was the strengthening of the bond between law enforcement and the younger generation. Many participants expressed their appreciation for the event, highlighting the positive impact it had on their perception of each other.

Team leaders Montana Stephenson and Eric Feagans, who spearheaded the initiative, expressed their gratitude to the high school football teams, coaches, and dedicated SWAT officers for their enthusiastic participation. They emphasized that events like these are crucial for building trust and understanding between law enforcement and the communities they serve.

As the sun set on the regional SWAT team vs. high school football teams challenge, it marked the beginning of a new chapter in community engagement. The shared experience of pushing physical boundaries and supporting one another has left a lasting impression on all involved, fostering a sense of unity and respect that will resonate long after the cheers have faded away.

### About the author

Lt. Ryan Streck serves with the Saint Charles County (MO) Police Department and is the team commander for the Saint Charles County Regional SWAT Team.

*Photos courtesy of  
Sgt. Montana Stephenson*







After a day of intense physical challenges and camaraderie, both sides emerged victorious. The real triumph, however, was the strengthening of the bond between law enforcement and the younger generation.



SNIPER

# SELECTING A SCOPE FOR YOUR TEAM'S PRECISION LONG RIFLE

BY MATT ALEXANDER

This photo was taken from 25 yards through 3x magnification with an FFP (first focal plane) scope.

The success of the Precision Rifle Series (PRS) as a sport has resulted in an explosion of great products that benefit the law enforcement precision rifle community. The development of versatile chassis systems, stabilization bags and highly accurate rifles at reasonable prices are just a few worth mentioning. However, some products are bleeding over into the tactical law enforcement community that are appropriate for competition but less conducive for tactical employment.

Many agencies are prioritizing the purchase of new telescopic sights for their precision rifles. While there are many features worth taking into consideration when evaluating new scopes, there are three main features to start with when evaluating what to put on your agency rifles.

## Magnification range

We are starting to see a trend of scopes with higher magnification ranges mounted on tactical precision rifles. Many agencies are putting more emphasis on the top end of magnification and sacrificing low-end power. While having the ability to zoom up to 36 power is useful in limited circumstances, it is almost never necessary in a law enforcement deployment. If the lowest a scope can go is six-power, it is likely going to be too high for up-close deployments. This will make it difficult for the operator to visually locate a suspect 25 yards away. The low end of magnification is more important for law enforcement applications than the high end, and the lower magnification setting should be given top consideration as a weapon sight.

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## The low end of magnification is more important for law enforcement applications than the high end, and the lower magnification setting should be given top consideration as a weapon sight.

While observation is usually a precision long rifleman's primary responsibility during deployment, high-end magnification can and should be handled with a quality spotting scope which does not limit the ability to deliver precision fire on close targets. There are some great scopes out there in the 2.5-20 or 3-15 power range. Even if long-distance shooting is part of your training, 15 or 20 power is plenty of magnification even at 800 yards. Do not limit yourself to a low power that is too high for close deployments such as an apartment complex or dense urban area.

**Recommendation:** I would not consider a scope for law enforcement deployments with a minimum power setting of more than 3.5 power. Look for a low power between 2 and 3.5 and a high setting between 15 and 20.

### Reticle type and turret adjustment

For many years we used scopes with minute-of-angle (MOA) turret adjustments and a mil-dot reticle because we had limited choices. This left the shooter with two separate units of angular measurements (MOA and MRAD) to figure out and understand in the same telescopic sight. Scopes have come a long way in the past 20 years, and most of them now use only one system for both the reticle and the turret adjustments. A scope with MOA adjustments will typically also be fitted with an MOA reticle, and the same goes for scopes set up for milliradians (MRAD). Due to its rising popularity in the PRS world, we are seeing a lot of MRAD-based scopes coming through classes. While neither system is intrinsically better or worse than the other, there are a couple of things to consider before deciding which one to go with.

The first thing to consider is that an MOA-based system typically makes the math easier to do in our heads, especially at extended distances. A 1/4 MOA adjustment breaks corrections into even quarters, and simple minute of angle makes each minute about one inch per every 100 yards. Milliradian-based scopes typically break down a single physical adjustment to 1/10 MIL, or .36 inches at 100 yards and multiplies every 100 yards. Contrary to popular belief, the milliradian system is not "metric" (units of angular measurement are neither metric nor imperial); they are often described in metric measurements because that is what their adjustments most closely line up with (1/10 mil adjustment is 1 centimeter at 100 meters, etc.). The precision rifle

community still commonly refers to group size and weapon capability in terms of minutes of angle, so MOA is still foundational in that regard.

The second thing to consider is that a 1/10 MRAD adjustment is slightly coarser than a 1/4 MOA adjustment. While this is typically negligible, it is a factor to consider.

Neither system (MOA or MRAD) is intrinsically superior — they are just different. The most important factors are 1) the entire team needs to be on the same system; 2) the reticle and turret adjustments should be the same (either both MOA or both MRAD); and 3) take time to become proficient and thoroughly understand whichever system your team goes with.

Many modern reticles have numerous hold points etched into them for faster adjustments. These allow the shooter to use them for a point of aim for elevation and wind rather than making physical adjustments to the turrets. They are very effective when used properly but require a lot of practice. If your team shoots at extended distances regularly, this type of reticle is worth consideration.

Most newer scopes have easily adjustable illuminated reticles, which can be a helpful feature in low light. Make sure you can externally adjust the light intensity without having to take a cap off to access an internal rheostat.

This photo shows the value of an illuminated reticle in low-light conditions.



**Recommendation:** If your team has been using an MOA system for years, stick with MOA. If you have been on MRADs for years, stick with MRAD. If you have neither, for law enforcement I recommend MOA for slightly easier math.

### First focal plane vs. second focal plane

This decision can become agonizing as there are pros and cons to both options. I will spare you the technical explanations that will do nothing to assist you in your decision and keep it as simple as possible.

**First (front) focal plane scopes** (often abbreviated as FFP) enlarge/shrink the reticle when the magnification is increased or decreased.

**Benefit:** The reticle can be used for range finding and elevation/wind holds at any magnification setting.

Micro doping at close distances and loophole shooting techniques allow the shooter to use reticle holds at any power setting. The reticle is also more useful at high magnification settings at extended distances because you can be more precise with reticle placement.

**Drawback:** At low power, the reticle can be shrunk so small that it can be difficult to use. However, at distances that close, it is usually not a major issue.

**Second (rear) focal plane scopes** (abbreviated SFP) change the image magnification when power settings are adjusted, but the reticle size remains fixed.

**Benefit:** Even at low magnification, the reticle size stays more visible and is more useful to the shooter.

**Drawback:** Ranging and holds/leads must be done at a magnification setting specified by the manufacturer, which is almost always the highest magnification setting. Depending on the top end magnification and distance to the target, this potentially can be difficult.



This photo is taken from 25 yards @ 6x magnification through the same FFP scope. The field of view is much smaller than at 3x.

**Recommendation:** If you are an urban team that never deploys beyond 100 yards, I recommend the SFP scope because the reticle is more useful at short distances than an FFP scope. If your team shoots at extended distances and uses the reticle for holds and range finding, I recommend an FFP scope.

While this is far from a comprehensive list of considerations when selecting a telescopic sight, it is a good place to start. Other factors, such as main tube size, field of view and reticle style, will also be a consideration based on intended use. In most cases, once you purchase a scope, you will be stuck with it for years. A little thought and consideration go a long way toward satisfaction with this critical piece of gear.

### About the author

Capt. Matt Alexander has worked for the Fresno County Sheriff's Office since 1995. He spent over 22 years on the SWAT team in a variety of positions, including operator, team leader and team commander. He has been teaching precision long rifle courses since 2004 and currently runs multiple precision rifle courses through his training company, Advanced Combat Evolutions. He is on the CATO Board of Directors and is the coordinator for the CATO Precision Rifle Symposium. He can be reached at [info@advancedcombatevolutions.com](mailto:info@advancedcombatevolutions.com)

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# CONSIDERING THE PROTECTED CORRIDOR:

## The new gold standard in violent incident response?

BY DANIEL J. NEAL, PAUL LOCONTI, THOMAS MENGEL AND JOEL SAUER

Over the past decade, many jurisdictions developed Rescue Task Force (RTF) models for their response to an act of violence incident (AVI). Across the country, law enforcement and fire/EMS trained together in RTF teams to assess simulated patients in a simulated warm zone environment. Unfortunately, jurisdictions applied this response model without a full understanding of the paradigm shift required. Smith and Delaney described the tenets of this paradigm shift, such as fire/EMS risk acceptance, strong coordination between fire/EMS and law enforcement, appropriate equipment and training.<sup>1</sup> Jurisdictions based their AVI preparedness activities on training to operate RTF teams rather than training to the goal of “stop the killing, stop the dying.” RTF is a strong operational tactic, but it is not a “one size fits all” for an AVI. In some situations, the RTF model may create some inherent delays in accessing and treating patients in a warm zone.<sup>2</sup>

There are four “warm zone response models” which can be applied to an AVI: law enforcement rescue, escorted warm zone care (i.e., rescue task force teams), protected island, and protected corridor.<sup>3</sup> A protected corridor is a pathway secured by law enforcement that allows fire-rescue personnel to freely move into the warm zone to provide care. It does not require RTF or extraction teams since security is posted along the pathway to the patients<sup>4</sup> (Photo 1).

The use of the protected corridor can allow rapid access to patients during an AVI. This approach does not eliminate the need (in some cases) to establish and operate RTF and extraction teams. The challenges surrounding the formation and deployment of rescue task force teams can create unacceptable delays for the rapid treatment and extraction of a severely injured patient from a warm zone. The protected corridor tactic can be a tactic to overcome these delays.

### Background

The Loudoun County Sheriff's Office (LCSO) and the Loudoun County Combined Fire and Rescue System (LC-CFRS) have conducted RTF training since 2015. In the early implementation of the RTF concept, the teams were formed at a joint assembly area (JAA).<sup>5</sup> Figure 1 diagrams the formation of RTF and extraction teams at JAA. The JAA must be located on the edge of the warm and cold zones, as fire and EMS units must travel to this location unescorted by law enforcement. The JAA was near the drill building so it was walkable for LCSO and LC-CFRS personnel. In this early implementation, the trainers did not realize that the formation of RTF teams would create a significant time delay. Two trainers noted that it often took over 20 minutes to deploy an RTF team until injured patients began to be removed.

Across the country, law enforcement and fire/EMS trained together in RTF teams to assess simulated patients in a simulated warm zone environment. Unfortunately, jurisdictions applied this response model without a full understanding of the paradigm shift required.

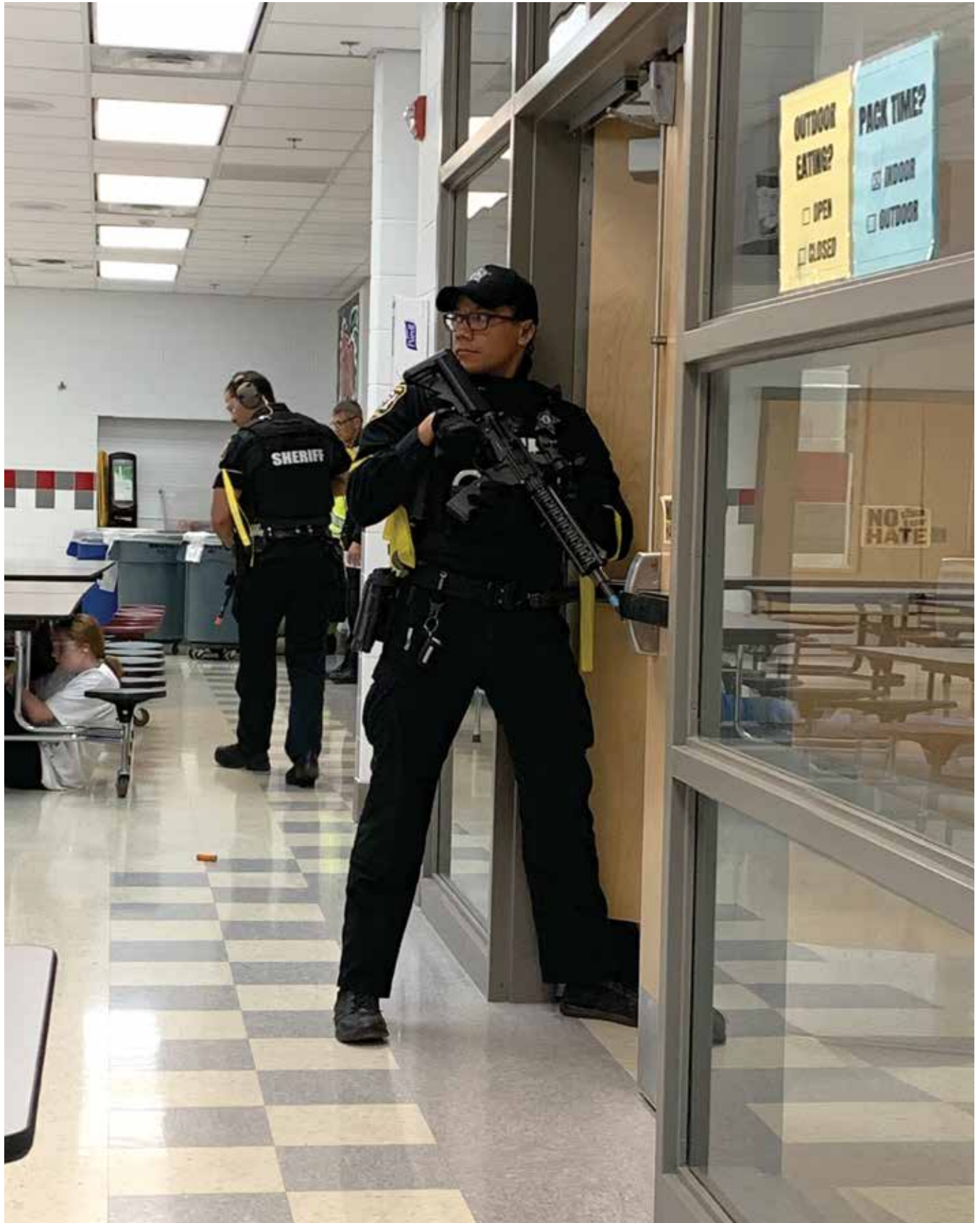


Photo 1: During an AVI exercise, patrol deputies maintain a protected corridor to allow fire and EMS units to rapidly access the injured.

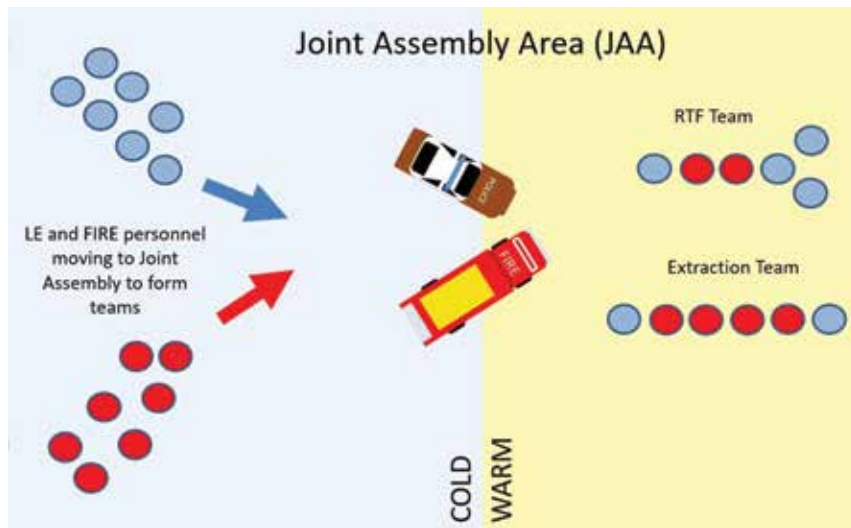


Figure 1: Joint assembly area

In 2019, the Loudoun County High Threat Team conducted a full-scale exercise at a private college. Several important lessons were learned. Contact teams rapidly entered the building and addressed the shooter, but a breakdown occurred in the formation of RTF teams.<sup>6</sup> With a large contingent of law enforcement deployed into the building (i.e., hot zone), additional law enforcement was not available at the JAA to form RTF teams. Without the availability of law enforcement to escort them, fire and EMS personnel waited at the JAA (Photo 2). When law enforcement units were re-allocated to JAA, the first RTF team formed and entered the building — 37 minutes after the exercise began.<sup>7</sup> Although this was an exercise, any critical patients likely would not have survived such a delay in care.

Recognizing the breakdown in the operation and management of the JAA, trainers implemented the operation of JAA into a command competency lab training program. A command competency lab presents incident simulations through a combination of incident scene videos, role-player interactions, and radio traffic to an incident commander.<sup>8</sup> For two years, LC-CFRS and LCSO front-line supervisors were trained in the formation of RTF and extraction teams at a JAA in the command lab. When assigned as the joint assembly supervisor, supervisors kept accountability of RTF team personnel, ensured the proper team make-up (four law enforcement to two fire and EMS), and announced the team formation to unified command for deployment (Photo 3).

During the two years of command competency lab training, LCSO and LC-CFRS personnel were introduced to the concept of a protected corridor as an option for patient extraction. LCSO personnel continued training in TECC and the importance of immediate casualty care (ICC) once the threat was apprehended, contained or eliminated.

In 2022, the Loudoun County High Threat Team conducted another full-scale exercise at a two-story middle school to assess AVI preparation efforts. Again, several important lessons were learned, but the breakdowns at the JAA repeated. Like 2019, contact teams rapidly addressed the shooter. Despite training to overcome the delays, JAA formed and deployed the first RTF team 29 minutes after the exercise began.<sup>9</sup> Again, this is too significant a time delay for a critically injured patient.

Despite the delay at JAA, another interesting event occurred during the 2022 exercise. With the threat eliminated, some contact teams took the initiative to build a protected corridor.

With a secured protected corridor, they requested fire and EMS units to make entry to remove some patients from the cafeteria. Boldy, a battalion chief (with five ambulances following), approached the front of the school, contacted a law enforcement supervisor managing the protected corridor, and made entry. All critical patients were removed from the cafeteria to waiting ambulances via the protected corridor within five minutes.<sup>10</sup> Following the exercise, a detailed after-action report was initiated. The exercise team observed that the protected corridor allowed rapid access to critical patients for fire and EMS personnel.

### Testing the protected corridor tactic

To evaluate the value of the protected corridor, the Loudoun County High Threat Team arranged a test of this tactic. Using a three-story, 18,000-square-foot community college building, the team arranged three evaluators, one law enforcement commander, 15 law enforcement from three agencies, three staffed ambulances, two engine companies, and two fire department battalion chiefs. After a safety check and participant briefing, the testing began. Participants were provided a brief simulated dispatch via radio to an AVI. Law enforcement officers were launched in timed groupings to simulate their arrival on-scene and formation into contact teams. Using simulated ammunition, they entered and addressed the simulated threat. These groupings were launched approximately 100 to 200 meters to the front of the building from an exercise staging area in the parking lot. This began the timing of “on scene.” Three different scenarios were tested: 1) patients concentrated in an auditorium on the first floor accessed through Side Delta, 2) patients on the second floor in which the corridor was established via a stairwell and 3) patients spread out on the third floor. Subsequent event times are recorded in Table 1.<sup>11</sup>





Photo 2: Joint assembly with fire and EMS personnel.

Although this was a controlled test, the value of the results was immediately apparent. First, contact teams addressed the threat in under four minutes. Second, the provision of TECC by law enforcement contact team personnel significantly decreased on-scene to TECC care. Third, regardless of the location of patients (i.e., higher floors), a protected corridor could be formed in four to six minutes. Lastly, fire and EMS units could access the protected corridor and reach patients in less than 10 minutes.<sup>12</sup> This testing showed that early TECC by contact team personnel and rapid establishment of a protected corridor for fire and EMS entry could save lives at an AVI.

### Discussion

The implementation of the protected corridor is supported by the statistics surrounding AVIs. First, there is usually one shooter.<sup>13</sup> When confronted, this individual is apprehended, contained or eliminated. Without additional stimulus (i.e., additional shots heard), a quick risk-benefit analysis must be made to determine if contact teams continue to search for a second shooter that likely does not exist or transition to ICC with active security. One of the authors frequently describes it



Photo 3: Joint assembly training in the AVI command competency lab

as, “Anything is possible, but the probability is that there is only one shooter.” This can be a difficult determination as AVIs are often characterized by initial 911 reports of multiple shooters.<sup>14, 15</sup>

Second, rapid declaration that the “scene is warm” can precipitate entry of fire and EMS resources into the warm

Table 1: Testing of Protected Corridor Implementation

Event	Evolution 1	Evolution 2	Evolution 3
On scene of first contact team to confrontation with shooter	3:00	3:40	2:45
On scene of first contact team to initiation of first TECC care	4:10	4:30	4:05
On-scene of first contact team to declaration of a warm zone by the LE commander	5:36	3:40	3:00
On-scene of first contact team to establishment of protected corridor	4:10	4:40	5:57
On-scene of first contact team to first patient contact by FR personnel.	9:57	8:58	7:40

Evolution 1 – Patients concentrated in the first-floor auditorium.  
 Evolution 2 – Patients on the second floor. Shooter on the third floor.  
 Evolution 3 – Patients spread out on the third floor.

zone to treat patients. This declaration will be in vain unless two important factors exist between law enforcement and fire and EMS: trust and risk acceptance. Trust in decision-making about the scene’s “temperature level” is built before an incident. Local law enforcement and fire and EMS agencies must build trust through ongoing joint training and incident responses.<sup>16</sup> Fire and EMS agencies must also build a level of risk acceptance.<sup>17</sup> Although there may be no indication of an additional threat, anything could be possible. Fire and EMS must accept a level of unknown risk with the result of saving lives.

Third, patients with penetrating trauma require immediate medical care.<sup>18</sup> Even initial care (within 10 minutes) via a protected corridor provided by fire and EMS may not be fast enough. Law enforcement officers deployed as contact teams may be in the immediate vicinity of critically injured patients. With the immediate threat addressed, law enforcement must address the next priority — immediate casualty care.

There are limitations to this testing scenario and the use of a protected corridor. First, the test participants were briefed that implementing and entering a protected corridor were the goals. Further balance to this limitation is that only one fire and rescue participant had exercise experience entering a protected corridor during an AVI. Second, the law enforcement participants were largely special weapons and tactics officers, but the fire and rescue participants consisted

of in-service units randomly assigned to the testing. Third, the patients were largely positioned in relatively concentrated locations (i.e., one floor, one large room with a few dispersed). Patients evenly distributed across a large outdoor area or multiple buildings may challenge the application of a protected corridor.

**Recommendations when standing up and operating a protected corridor**

There are several considerations to effectively establishing and operating a protected corridor.

First, training must be conducted on the tactical and command level. On the tactical level, law enforcement personnel must understand how to rapidly stand up a corridor while providing initial TECC. On the command level, unified command must train to make a rapid risk assessment to facilitate entry of medical responders into the corridor.

Second, law enforcement commanders must also control the assignment of additional arriving law enforcement resources. These units will want to continue to hunt for threats despite a preponderance of evidence that the threat has been addressed. These units should be used to help facilitate the formation of the protected corridor. Unless the building is very large (or multiple buildings are involved), three to five contact teams should be sufficient to enter and address the threat efficiently.<sup>19</sup>

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Third, as unified command forms and begins to gain situational awareness, contact teams will begin to report the location of concentrations of patients. This is a logical location to begin establishing a protected corridor. If additional patients are found nearby, law enforcement rescue (or a hasty expansion of the corridor) can move these patients to fire and EMS in the protected corridor.

Fourth, fire and EMS and law enforcement should each assign a division supervisor to the protected corridor location. The fire department may designate their representative as “the Cafeteria Division” whereas law enforcement may designate their representative as “Forward Command.” Regardless of the nomenclature of each discipline, unified command should direct them to link up to coordinate security, patient treatment and patient evacuation. Figure 2 depicts a package of fire and EMS units entering a protected corridor to treat and transport patients.

Fifth, unified command should be prepared to operate multiple tactics (i.e., protected corridor and RTF teams) simultaneously across different areas of an incident. The establishment of a protected corridor to a concentration of patients in the cafeteria may have to operate concurrently with the search of outlying structures by RTF teams.

**Conclusion**

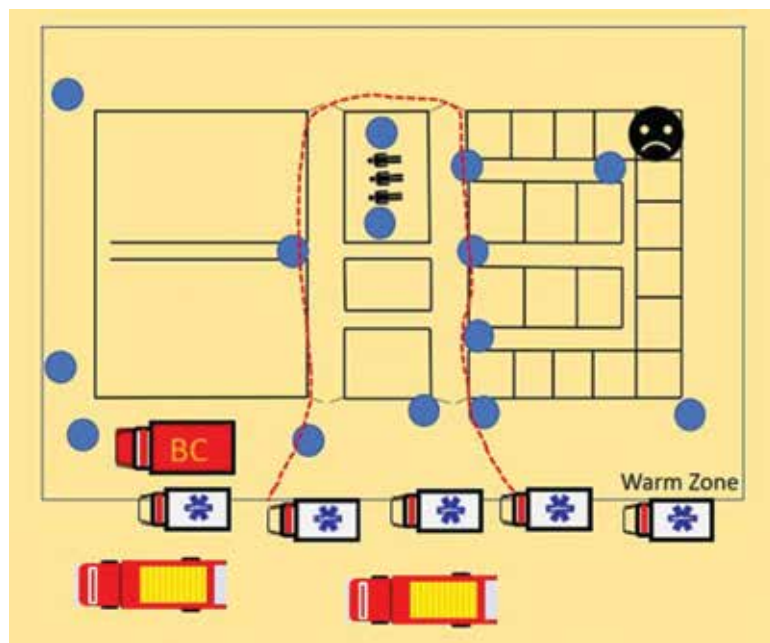
The protected corridor is one of four identified tactics to provide warm zone care in response to an AVI. The protected corridor does not eliminate the need (in some cases) to establish and operate RTF teams and extraction teams. Agencies must continually evaluate their AVI tactics. Any tactic that creates unacceptable delays in the rapid

treatment and extraction of severely injured patients must be reconsidered. Instead, start with the end in mind: Stop the killing. Stop the dying.

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Figure 2 - Fire and EMS Units entering a protected corridor through Side Alpha



**About the authors**

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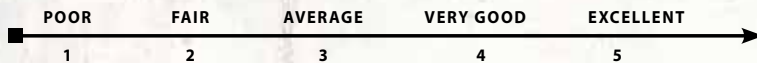
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**OVERALL SCORE: 4.31**



## YANKEE HILL MACHINE CO.

**Turbo K-RB**  
[yhm.net](http://yhm.net)

**Individual Score 4.17**

*Tested by a police officer from Iowa  
Tester 1 of 4*

The Yankee Hill Machine Turbo K-RB suppressor is known for being a budget-friendly option. I compared it to SilencerCO's Velos LBP and was pleasantly surprised by its performance. The package included the Yankee Hill 4302 muzzle device and all the necessary tools for installation. The suppressor is equipped with a Phantom Q.D. adaptor, which made installation a breeze.

With an overall length of 5.5 inches (with the Q.D. adaptor) and a diameter of 1.5625, the matte black high temp Cerakote finish gave it a sleek appearance. The suppressor weighed in at 11.7 ounces (with the Q.D. adaptor) and has a decibel rating of 138 DB on a 16 AR with a 55-grain bullet, according to factory specs. I tested this suppressor on an 11.5 AR with a 55-grain bullet,

which is within YHM's recommended minimum barrel length of 10.5.

To my surprise, it performed comparably to SilencerCo's Velos LBP on the same AR. The suppressors produced similar decibel levels and had minimal blowback right out of the box. The AR functioned normally and there was no noticeable effect on accuracy. Overall, I would recommend this suppressor.

**Individual Score 4.5**

*Tested by a member from Louisiana  
Tester 2 of 4*

I was issued the YH Turbo K-RB in 5.56MM with Quick Connect Flash Hider. We ran several hundred rounds through the suppressor of Hornady TAP and regular FMJ. The weapon maintained its zero and we saw no deviation from the Akyls Defense suppressor it was previously sighted to.

YH was a lighter suppressor than what I had, so that was a plus. The QC attachment was very easy to install, and installing the suppressor to the QC was a breeze. The quietness was comparable to the suppressor I was using prior to YH. I had hoped YH would be able to dampen the sound a little more but couldn't tell a difference. We were unable to obtain any sub-sonic rounds to try with the YH.

During testing, it was extremely hot in Southern Louisiana, and compounded by the amount of ammo we ran through the gun each day, the can performed flawlessly. Overall, my

team was satisfied with YH and really satisfied with their quick connect device. To date, I have had no issues or defects to report with the suppressor.

**Individual Score 4.35**

*Tested by a member from Oklahoma  
Tester 3 of 4*

This suppressor meets all expectations for a quality, full-auto-rated, compact suppressor. Mounting was made super easy with the included muzzle break. The alignment and secure system made sure that the suppressor was attached and not going to work its way off the muzzle break. The suppressor does get hot extremely quickly during use. Not sure if that was due to its small size or that the metals and materials used were causing the suppressor to heat up faster than other suppressors I have used on duty or during training. Overall, the Turbo K-RB has been a pleasure to shoot and use on duty for patrol and SWAT callouts.

**Individual Score 4.22**

*Tested by a member from Vermont  
Tester 4 of 4*

When testing the Turbo K-RB I was extremely pleased by the suppressor's weight, length and sound reduction. Overall, this suppressor has earned a permanent place on my 10.3 work rifle, replacing a Dead Air Sandman S. The Turbo is smaller, lighter and quieter than my Sandman S, making it my top choice for patrol use. After testing about 1,000 rounds I experienced no loosening, carbon

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lock or shift in accuracy. Taking the suppressor on and off I learned I much prefer the Dead Airs Keymo style mount, however. The Turbo has a threaded ratchet-like adapter to the muzzle break, which feels less secure than the KeyMo style when locked in. Additionally, I wish the Turbo had reverse threading of the suppressor and the adapter and the adapter to the muzzle break. This would allow you to loosen the adapter from the muzzle break without accidentally loosening the adapter to the suppressor.

Overall, it's a fantastic suppressor for the price and I would certainly buy the Turbo if you're looking for a dedicated 223/556 can.

**OVERALL SCORE: 4.12**



**SILENCERCO**

**VELOS**

[silencerco.com](http://silencerco.com)

**Individual Score 4**

*Tested by a police officer from Iowa  
Tester 1 of 2*

The Velos LBP by SilencerCo was mounted using the ASR mount on a department-issued SOLGW Model EXO 2 SBR. There also was an option for a direct thread mount. All supplies and tools were included in the \$1,174 MSRP, and it has a limited lifetime warranty. The ASR mount system was quick to install and simple to use. Unlike some suppressors, there isn't a ratcheting sound, so it requires you to know or see that the collar is in the unlocked or locked position.

After putting several hundred rounds through it, carrying it daily on patrol since install, and using it during training for active shooter and building clearing, I'm thoroughly impressed. There were no malfunctions at the range, and it held up well to abuse besides a few cosmetic scratches to the finish. Coming in on the larger end, at 15.2 ounces, 1.73" in diameter and 5.98" in length, was the biggest issue I had with the Velos LBP Suppressor. SilencerCo claims that the Velos LBP is their most durable suppressor due to their blast baffles that deflect debris. Unfortunately, with under 1,000 rounds, I was unable to come anywhere close to testing the lifespan.

**Individual Score 4.25**

*Tested by a member from West Virginia  
Tester 2 of 2*

Fantastic LBP (Low Back Pressure) suppressor. The design and overall aesthetic are pleasing to the eye. Drop tested well with

minimal visual damage. (I refuse to drop test on a rifle.) In and out of the kit and use in training showed no wear or tear.

Firing from a short barrel is preferred due to extra weight, but even on a long-barrel rifle, it is manageable.

Noise reduction is fantastic for supersonic ammo. Very little noise other than the sonic crack and the bolt working, but the biggest win is the almost nonexistent back pressure. The design of the suppressor and front port system quiet the firearm without causing massive back pressure. Well worth the price in my opinion.

**OVERALL SCORE: 4.05**



**SAFARILAND**

**Liberator IV Advanced Single  
Comm Headset**

[safariland.com](http://safariland.com)



## RATING SCALE



### Individual Score 2.7

*Tested by a police officer from Vermont  
Tester 1 of 6*

Upon unboxing, the Liberator IV appears to be well-made. All the cables are quality with a thick, durable rubberized coating to protect against wear. The earcups are among the most comfortable I've ever worn.

The product came with about every accessory one could want for an operational ear pro. Mounting on the helmet was easy as it just slides into the rails. The earcup mounting is intuitive and secure using pull/twist pins to lock the mounts to the earcups. That being said, they don't exactly fit traditional rails perfectly. There is a little tab intended to lock into indexed slots along the rail. These adapters didn't even come close and slid all over the place including clean out of the rail system. The included spacers, which were just pieces of Velcro, fixed that problem but still didn't lock into place.

The mounts slide up and down for easy fitment, however, the snap lock is very scary as I thought I was going to break it every time I engaged or disengaged it. However, I've been pretty rough with it, and it has held up. The helmet mounts would not seal to the side of my head no matter what I did. They are certainly more rugged than the Peltor mounts, and the swapping takes 1/100th of the time, however all that did not matter because I could not get the helmet mounts to work where I wouldn't risk hearing loss. The headband worked well, but I'd prefer to leave them mounted to my helmet.

The headset controls (power and volume) are easy to use, large, and textured for easy identification even with gloves on. I had no issues turning them up, down, off, or changing the different sound modes. The wire connecting the earcups is long enough that you can tuck it into the

webbing inside the helmet so it isn't floating around waiting to get caught on branches and the like. The unit uses two AAA batteries or a CR123. The battery compartment is pretty nice as there are no screws to lose or clips to break. This is way nicer than the Peltor friction-fit doors.

I first used these at an indoor range with about 10 other shooters. I tried each of the different modes and could barely hear anyone next to me talking. It did a great job picking up the ambiance of the range filtration system. As far as noise abatement, I needed earplugs in addition to the Liberators. A \$40 set of Howard Leights performs better in this environment. Outdoors, these worked a little better, however, they still have a hard time letting voice chatter through without ambient noise (mode 3). I spoke with Safariland, which was very responsive but informed me there was a lot of volume configuration needed to find that sweet spot in what they called a "constant noise environment." I was ensured this was a rare occurrence that you would be unlikely to encounter during a real-world operation, so I would say good luck with your Bearcat or helicopter noise.

The single comm PTT is rugged with a recessed talk button so no concerns over accidental hot mic-ing. It uses standard NATO connectors so there are plenty of solutions for anything you may need. The footprint is a bit large and doesn't rotate but that would also just be another point of failure so no points deducted for that. It came with an APX pinout connector which has crystal-clear transmission and reception. Also, nice that both sides disconnect (download and radio connector), I just wish someone would come up with a QD for these things that works. Safariland's Alpha PTT beats anything 3M has. This is the nicest thing I have to say about this headset.

Overall, some features worked well, but I expected more for the price tag. Safariland should stick to duty gear.

### Individual Score 4.54

*Tested by a member from Vermont  
Tester 2 of 6*

The Liberator headset is a great piece of equipment. I am currently in law enforcement and have used the headset for training and operations. It is very comfortable and easy to use. I was very impressed with the gel foam on the actual ear portion and found it to be comfortable when wearing them for an extended period of time.

While shooting with the Liberator, I was very impressed with how well the gunfire was dampened and other lower decimal sounds were amplified. I used them while shooting handgun, rifle, shotgun, and doing multiple different kinds of breaching and found them to be great when it came to performance and comfort. While conducting several different operations, I was able to test and use the communications aspect which was great. The PTT (push-to-talk) feature is very user-friendly and I found I was able to use it with much ease along with my teammates. It is a very nice feature that I was able to clearly hear other members on my team even with extensive background noise.

While using the headset, I was also impressed with their durability. I did not baby them as I was wearing them and have found them to be in great working order. When using them, I usually had them in mode 1 but I did put them in mode 2 when I was up in a helicopter a few times. These are engineered very well and the agency I work for is currently placing an order to get them to replace our current setup.

For anyone looking to buy a new ear protection/comms setup, I would highly recommend the Liberator 4





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## RATING SCALE



Advanced Single Comm. They are very user-friendly, have great performance, are extremely comfortable and seem to have great durability as well.

### Individual Score 4.23

*Tested by a member from Virginia  
Tester 3 of 6*

The Liberator IV Advanced Single Comms Headset from Safariland is an impressive piece of gear and has quickly become my new favorite active hearing protection and comms unit. It was tested with Safariland's Alpha PTT, Motorola radio adapter, and the behind-the-head and helmet-mounted wearing options. The headset itself tackles an impressive range of tasks, including hearing protection, comms interface, and enhancing quiet sounds for situational awareness.

The first thing I will give high marks to is how comfortable these are. They are relatively lightweight, and the behind-the-head system gave me just the right amount of snugness without making me feel like my head was being crushed. The earcups are fantastic compared to older foam and plastic models. Another nice feature is that it can accept both CR123 and AAA batteries without modification. Battery life was impressive due largely to some power management systems baked into the headset. They keep the sounds you don't want out and they are extremely comfortable to wear for extended periods, even with eye protection on. The user can also opt for an over-the-head mount or a helmet rail mount. Swapping between the different systems is easy and quick once you've tried it. They are well made and survived the usual range and gear bag abuse during the testing period as well as some intentional mishandling stress testing at the end. The hearing protection functioned very well. There are three modes that let the user choose which sounds get through. They also picked up and amplified ambient noise well,

so subdued conversations were possible. Most of the time they picked up and passed on useful noises, but sometimes they would amplify odd ambient environmental noises like air conditioning.

Another extremely impressive feature of the headset is how easy it was to determine where a sound was coming from relative to the wearer. I felt I had much better situational awareness with this headset than I have with others. Radio communications were very clear. The mic is permanently attached to the headset, and I would have liked the option to take it off for range days. There are voice prompts that play when switching between modes or turning the unit on and off. That takes a lot of the mystery out of whether you hit the right button to get the desired effect. The PTT is easy to set up and is low profile. It is very tough and resistant to environmental factors. There is a small collar around the talk button, which is good for reducing the chance of accidental activations, but also is a smaller target when you are trying to activate it quickly with a gloved hand. The adapter for our department radios was also well-built and mounted easily. Safariland has several options for different radio models.

Overall, I really liked this headset. My only complaints were not being able to remove the mic and some poor instructions that came with the PTT which Safariland did not try very hard to clarify when I went directly to them. I liked everything else about them and felt they were built or performed better than other models I have used. I would absolutely recommend these to another officer or department.

### Individual Score 3.46

*Tested by a member from South Dakota  
Tester 4 of 6*

I have used these noise-cancelling headsets for years. I have used and my team still has Liberator IIs. The

Liberator IV seems to have changed very little over the last 10 years. I like the smaller push-to-transmit box for these and it seems to be easy to use. A downfall that I see for the Liberator IV is the lack of versatility. I would like to see these have what others have, in the ability to be ambidextrous. We don't have the budget to purchase new headsets for each new operator that is put on our team. The problem is when we have a left-handed shooter the boom mic cannot be flipped to the other side like other models.

The rail kit for the helmet has some nice features, but I think it may break over time. This rail kit seems flimsy and with the abuse SWAT guys put things through I don't see it standing the test of time. The Liberator IIs that we have over time seem to have problems with the radio cord separating from the headphones. The headset becomes non-functional at that time. The Liberator IV seems to have a similar connection point and a concern of mine is that will happen with this model as well. I realize that this model is their single comm model, but the dual comm model is very nice to have in this day and age with the overuse of phones in some of our operations.

I would say overall these are excellent and function great. I just mention the things I see that concern me about these headsets. I would recommend this to anyone looking for a good headset communication device, but I feel for a little extra money there are better models/brands out there.

### Individual Score 5

*Tested by a police officer from Arizona  
Tester 5 of 6*

Safariland's Liberator IV Advanced single communication headset, black in color, came with rail mount attachments, PTT, as well as headband attachment. I have used the Peltor and OPS-Core headsets and was very surprised at the quality construction. The metal hooks on



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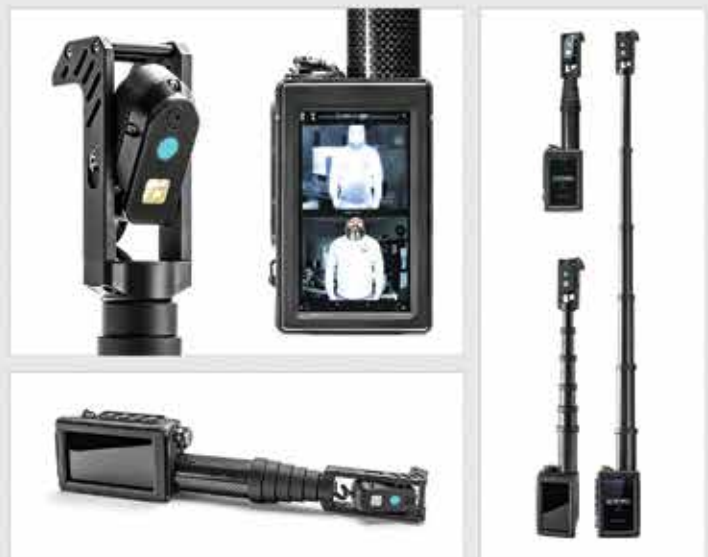
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the sides of the ear cups to attach the rail mount are a huge upgrade over the plastic ones from the competition. The headset is extremely comfortable to wear for an extended period of time. The sound quality from the Liberator is the best I have experienced thus far.

The PTT seems to be great quality and has a very slim profile. I would definitely recommend the Liberator IV Advanced to any team.

**Individual Score 4.38**

*Tested by a member from Texas  
Tester 6 of 6*

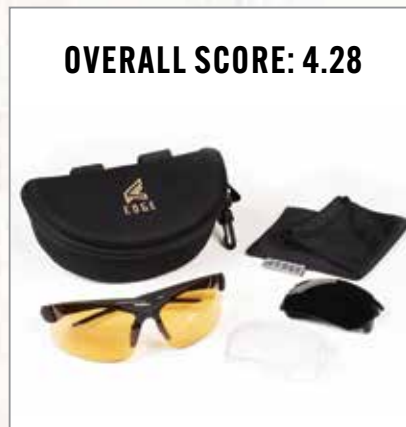
I was really excited to try the Liberator IV with push-to-talk (PTT) communications. Connecting the headset to the radio and to the PTT was easy as you just push in the two connectors. The cable from the radio to the PTT was a good length allowing me to run the cable through my Molle vest with no worries of pinching the connection. The PTT was easy to slide in and did not move once it is in. The headset wiring was my only complaint as it was a bit short. I would have liked the wiring to be a bit longer giving me other options for my PTT placement without the cord pulling on the headset. I found a sweet spot on my vest and it worked great.

The headset itself was extremely comfortable for all-day use. I ran the headset on multiple range days and a week of rifle course and had no issues. I could hear the radio through my headset during live fire without problems. When multiple people were shooting, the folks on the other end had a hard time hearing me at times, but that is expected with 10 rifles being fired. When it was one to two people firing while I was on the radio, they had no problems hearing me speak.

Fitting the Liberator under a helmet is a bit tricky depending on the harness system you are using. I could not get a good fit with my harness. I then ran these on the Adaptive Rail

mounts for helmets and the fit was perfect for me.

This is a great setup that has held up well so far. I wish I had run this setup years ago.



**EDGE EYEWEAR**

**Sharp Edge 3 Lens Kit**  
[edgeeyewear.com](http://edgeeyewear.com)

**Individual Score 3.81**

*Tested by a police officer from Pennsylvania  
Tester 1 of 2*

I sampled the Sharp Edge 3 glasses kit and thought it was a decent product. The glasses fit very comfortably. I have a wider face and the pliability of the arms allowed the glasses to widen and stay in place. Most glasses' arms are rigid and fit too tight, so they become uncomfortable over time. The light weight also provided added comfort. The pads on the bridge of the nose were fairly soft and offered good comfort.

The width and wrap angle of the lenses provided full coverage for my eyes. I felt that in any scenario my eyes would be protected. Speaking of protection, the lenses were very sturdy. I dropped them and banged them around and they did not crack or shatter. They were pretty scratch-proof, with the exception of pointy objects, which did leave a small scuff.

The lenses were very easy to swap out and it was nice they came with two different colors. The case

was also nice. It was fairly sleek on the outside, while large enough to hold all the contents on the inside. It was quite rigid as well and offered good protection to the glasses and lenses inside.

**Individual Score 4.76**

*Tested by a member from California  
Tester 2 of 2*

The Sharp Edge 3 Lens Kit came packed with everything you would need. The case the glasses came in was big and protected the package well. The kit has three lenses that are interchangeable. There was a soft cloth for cleaning as well. At first glance of the glasses I liked the idea, but the design was not my preferred option. The company sells more options that are more off-duty suited as well as on-duty. These glasses would be only duty for me.

During the testing I changed out the lenses and wore them on patrol. The darkest lenses were great, blocked the sun and fit my face well. The orange and clear lenses were swapped out during range training and scenario-based training since we do a lot of indoor and outdoor at the same time. Swapping lenses was easy and not too difficult to figure out.

One issue I had with the frame of the glasses was the arms had a pointy tip. Due to their design, they are molded to wrap around the user's head. I have a larger face and head and this caused mild discomfort at first. The frame design is rugged and as advertised. Aside from driving over them, they did not break during my testing. Both lenses and frame held up as stated by the company.

Overall, if you're looking for a new set of shooting glasses or just an extra gear bag-style pair of glasses these are a great option. Some may like them for off-duty as well, but for this, I'd choose another style. The other good thing is they will not break the bank and are very reasonably priced!

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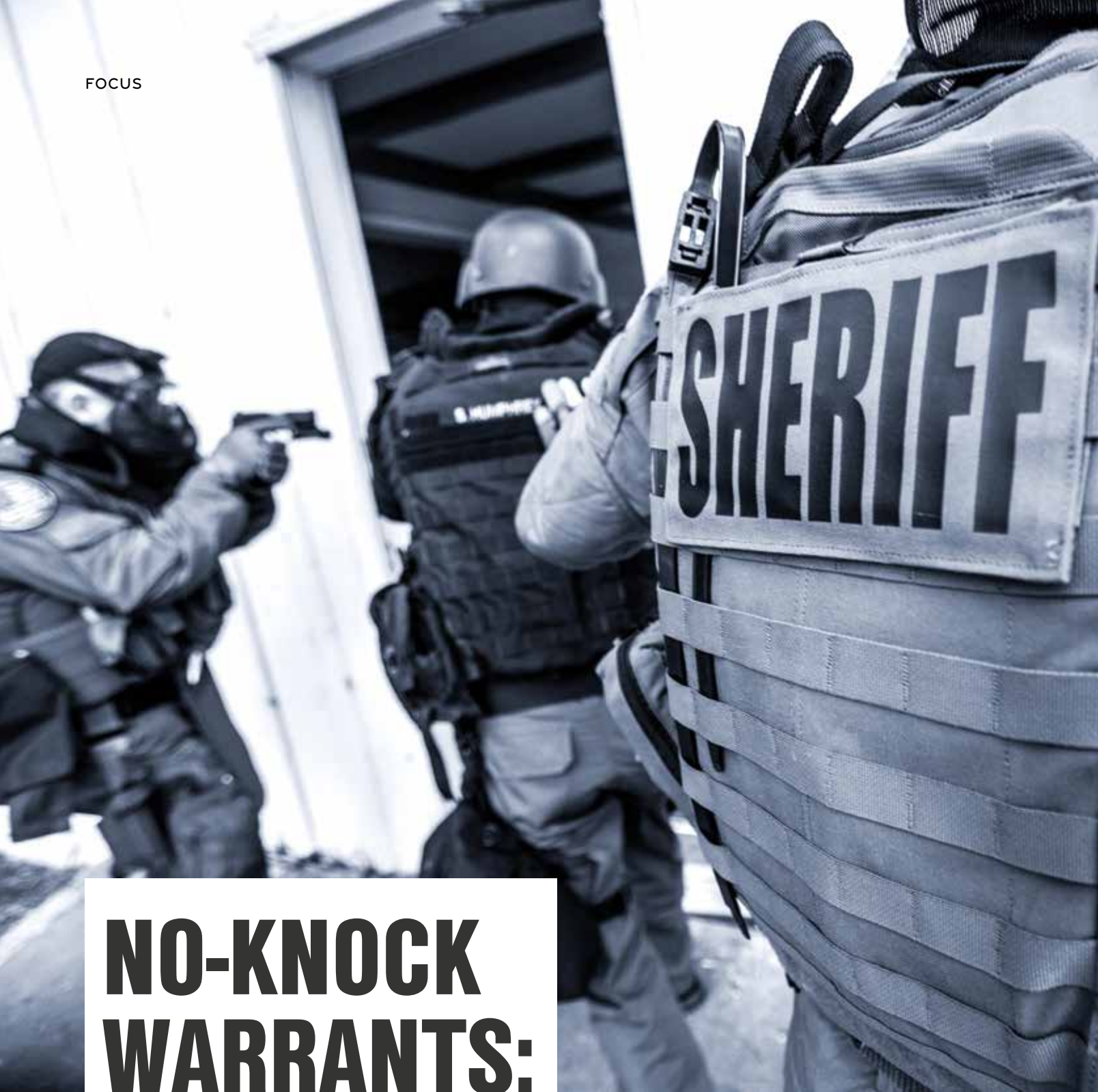


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# NO-KNOCK WARRANTS: UNDERSTANDING THE RISK

BY MIKE RANALLI



“  
**Reduced liability is merely a side effect of doing the right thing for the right reasons.**

**D**uring the past few years, there has been significant debate over the use of no-knock, dynamic SWAT-style entries for the execution of search warrants. This debate reached a peak with the shootings of Breonna Taylor and Amir Locke during such warrant services.

Some state legislatures have responded by banning or restricting no-knock warrants. Here in New York state, our highest court — the New York Court of Appeals — has recently ruled on a case involving the execution of no-knock search warrants in *Ferreira v. City of Binghamton*.<sup>1</sup> All law enforcement officers in New York need to be aware of this ruling and its implications. And while the case is only applicable to warrant executions in New York, the example it sets is one officers nationwide should consider.<sup>2</sup>

Before we get to Ferreira, I would like to start out with a broader overview of why there is such a focus on no-knock warrants as well as some policy/procedure impacts all law enforcement leaders should consider to ensure they are doing the right thing for their officers and community members. Note: The Ferreira case deals with civil liability, but liability is not the focal point of this discussion. Reduced liability is merely a side effect of doing the right thing for the right reasons.

### **The evolution of no-knock warrants**

I started as a police officer in 1984. During much of the first two decades of my career, our mission was driven heavily by the interdiction of illegal drugs, dubbed the “War on Drugs.” When the War on Drugs first took hold, criminal procedure law was written to require knock-and-announce warrants to be the norm. No-knock warrants were the exception.

But as the focus on drug interdiction intensified, the exception soon became the norm. Justifications such as the ease of destruction of drugs, violent drug dealers and the propensity for weapons to be present were commonly articulated in warrant applications. Tactics involving “violence of action” — overwhelming force, speed and surprise — were stated as justifications to explain how such dynamic entries could be safer for officers, while at the same time helping preserve evidence. SWAT teams became more common and were increasingly utilized to execute no-knock warrants.

In 1993 I joined the Colonie (NY) Police Department’s tactical team as a point man. After serving several no-knock warrants with no negative results, I was sold on the tactics. I found it amazing how fast we could clear an entire house while encountering little resistance because people had no time to respond. And I wasn’t alone: Across the county, requesting no-knock endorsements for drug-related warrants and conducting dynamic raids became normal, with no consideration given to whether there were other ways to handle the situation. In hindsight, our success made us complacent. When considering the complexity of such operations, the lack of negative consequences should never have been a measure of whether the tactics continued to be appropriate.

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**Our success made us complacent. When considering the complexity of such operations, the lack of negative consequences should never have been a measure of whether the tactics continued to be appropriate.**

Then, in 1998, Tom Clancy published “Rainbow Six,” quickly followed by a video game of the same name. While an excellent book, it revealed many tactics routinely used in SWAT operations. The rise of the internet compounded the issue, making it easy to find and share information about police tactics. “Crack houses” became increasingly fortified, leading some SWAT teams to train to perform second-story entrances. A disturbing trend then started where suspects would be prepared for entry tactics. Suspects, knowing the pattern of breach, flashbang and entry, would be waiting behind a closed bedroom door, apparently to mitigate the effects of the flashbang, and would then open fire through the door while the officers entered, with tragic results. An internet search today for “SWAT officers ambushed” produces plenty of reading material.

During all this, the belief that the tactics would keep officers safe never wavered for many teams, except for those that suffered injuries or deaths. My epiphany came during a no-knock raid for illegal drugs on a suburban house sometime around 2000. The breach took longer than it should have due to a steel-reinforced door. By the time we entered, the resident had taken up position at the top of a flight of stairs with a shotgun pointed at me and my cover officer as we entered. He thought he was being ripped off by another drug dealer as had happened in the past. The only thing that saved me was the large white POLICE letters on the front of my tactical vest. Discussions afterward led to what should have been a question being asked before every raid: What was in that house that was worth my life? Nothing.

Over the subsequent years, more and more tactical teams began to recognize the danger of dynamic raids on officers and occupants of homes and restricted their use to very limited circumstances. However, this evolution was by no means universally adopted, and the tactic is still used by many agencies to this day.

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**Over the subsequent years, more and more tactical teams began to recognize the danger of dynamic raids on officers and occupants of homes and restricted their use to very limited circumstances.**

**Risks and priority of life**

I recently presented on no-knock warrants at a New York State Homeland Security Tactical Supervisor course. I am encouraged by the increased acceptance of the message, which was not the case when I first started presenting it several years ago. While at the conference, I sat through a presentation by an FBI regional tactical team commander. At the end of his presentation, he made a very simple yet profound statement: Any SWAT team still doing things the same way they did even 10 years ago should quickly reevaluate the viability of their tactics. Unfortunately, there are teams still doing things the same way they did 20 and 30 years ago because they are fortunate enough to never have had anything go seriously wrong. Again, the lack of negative consequences is not an accurate indicator of appropriate tactics.

There are several other considerations law enforcement leaders need to evaluate that directly impact the risks created during dynamic no-knock raids in contemporary times:

**The proliferation of guns in households across the country.** In 2020 and 2021, Americans bought over 42 million guns.<sup>3</sup> Residents awakened from their sleep by the sounds of someone breaking into their homes could reasonably reach for their legally owned firearms to defend themselves, leading to tragic consequences for occupants and officers.

**The risk of a mistake-of-fact shooting.** The facts of the Ferreira case serve as an example of this type of risk. A SWAT team executed a no-knock warrant on the home of a person suspected to be armed and dangerous. The point man immediately encountered Jesus Ferreira, who had been on the couch in the living room. The point man believed Ferreira had a gun in his hand and fired one round, seriously injuring him. An Xbox controller was on the floor; no gun was found.

I cannot know what did or did not happen here, but the science pertaining to how our brain functions can give us some guidance. Your amygdala serves as a form of danger “pre-screen device” to help keep us safe from sudden threats. It is intuitive and relies on limited information guided by expectations and heuristics, among other things. Is it a lion (gun) or a lamb (Xbox controller)? If humans had to wait for the frontal lobe to make this determination, death or serious injury could result in the time that it would take. Such fast and intuitive decisions can save lives, but they can just as easily result in tragedy. The only way to mitigate this risk is to limit exposure to such situations.

**Technology advances and warning systems.** The shooting of two FBI agents in Florida in 2021 is an example of this issue. The target of the warrant was allegedly



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warned of their approach by a doorbell camera. This warning allowed him to fire at the agents through his door with a high-powered rifle.<sup>4</sup> Less-obvious surveillance cameras that can cover even greater areas are inexpensive and easy to install, providing even more warning of the approach of officers.

**Insufficient information about the residence and its occupants.** In decades past, a check with postal inspectors could give you good information about who resided at a particular address. Those days are long gone; postal records often provide misleading and out-of-date information. Many civil cases have arisen from raids on the wrong address, or the correct address but the targets had moved out, or lack of information on the presence of children in the residence, leading to flashbangs being deployed in and around young children. Considering the time it can take to conduct proper pre-raid surveillance on a residence, it may be far more efficient and effective to have the surveillance team arrest the suspect in public and then serve the search warrant.

**Failure to properly supervise specialty narcotics units and warrant applications.** The unfortunate truth is some specialty units become so consumed by their mission that they believe the ends justify the means. This can lead to overaggressive tactics and warrant services. It also can lead to officers lying or exaggerating information on warrant applications, as allegedly happened in the Breonna Taylor incident.<sup>5</sup> This is inexcusable and damages the entire police profession. But it is not just about lying or exaggerating. Who makes the decision as to what type of warrant to apply for? Is there an objective supervisory review? Proper supervision and risk management mandate objective review.

**Failure to adhere to a proper safety priority.** This is probably the most important consideration, and everything discussed in this article so far is relevant to it. The National Tactical Officers Association (NTOA) has long-established safety priorities:

1. Hostages/victims
2. Innocent bystanders
3. Public safety personnel (police, EMS, fire)
4. Suspect(s)
5. Drugs/evidence (controlling objective)

Using these safety priorities, the NTOA has taken the position for some time now that no-knock warrants no longer make sense, especially when the objective is the preservation of evidence. I strongly agree with this position. Most

no-knock warrants for drugs essentially place the preservation of evidence over the safety of anyone else — including police officers.

Throughout my career, I have heard countless officers and instructors talk of how officer safety is paramount. Countless “street survival” classes are dedicated to this concept, yet many agencies still adhere to using dynamic no-knock warrants, violating safety priorities and placing themselves and others at unnecessary risk. Ask an officer to charge into a house where the drug dealer suspect may have an assault rifle and there will probably be no shortage of volunteers. Yet those same officers will think you are nuts if you ask them to confront a person in crisis who is armed with a knife using anything other than a firearm. In the first situation, officers willingly place themselves and occupants at risk for the preservation of evidence because it is ingrained in their culture. In the second, the acceptance of some risk may help to save a life, but it deviates from typical street survival training, so it is rarely even considered. There is a clear disconnect here that seems to be founded on nothing other than “it is just the way it has always been.”

This is a complex and, for some in law enforcement, sensitive area. Are there still some situations where a no-knock, dynamic entry will be justified? Of course, but it should be only after a careful review of the objectives of the operation, consideration of safety priorities, and a review of any other possible options.

### **New York Court of Appeals addresses the issue**

The Ferreira case spanned several years and involved federal district courts, the United States Court of Appeals for the Second Circuit, and finally the New York Court of Appeals (NYCOA). The legal issues were complex and numerous, and it is not my intent to conduct a comprehensive review of the case. Instead, I will focus on the issue decided by the NYCOA most relevant to no-knock raids in New York.

This case involved common-law negligence and dealt with the scope of the duty owed by municipalities to the public under New York law. To succeed in such a case, a plaintiff must demonstrate 1) the municipality owed a duty to the plaintiff, 2) there was a breach of that duty, and 3) injury was proximately caused by that breach. It is important to understand the duty breached must be more than that owed to the public generally, otherwise, the government could be held responsible for all wrongs to its citizens. When a municipality is providing a government function, such as law enforcement, liability may only be imposed

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when a special duty (sometimes called a special relationship) is established between the injured person and the government agents.

New York case law has generally recognized three ways to establish a special duty — one that goes beyond what is owed to the public generally. A special duty can arise when:

1. The injured party belongs to a class for whose benefit a statute was enacted; or
2. A government entity voluntarily assumed a duty to the injured party beyond what was owed to the public generally; or
3. The government entity took positive control of a known and dangerous safety condition.

The third bullet is the crux of the relevant ruling of the court. In a no-knock warrant situation, the police exercise extraordinary governmental power to intrude upon the sanctity of the home and take temporary control of the premises and its occupants. In such circumstances, the police direct and control a known and dangerous condition, effectively taking command of the premises and temporarily detaining occupants of the targeted location. As a result, the municipality's duty to the individuals in the targeted premises, a limited class of potential plaintiffs, exceeds the duty the municipality owes to the members of the general public. A special duty, therefore, arises when the police plan and execute a no-knock search warrant at an identified residence, running to the individuals within the targeted premises at the time the warrant is executed. In other words, in those circumstances, the police take positive control of a known and dangerous condition, creating a special duty under the third situation recognized by this court.<sup>6</sup>

This ruling is very straightforward — in a no-knock search warrant situation, a special duty is established, period. That does not mean there will be automatic liability if someone is harmed during the warrant service. But it does mean the case will go to a jury for a determination of whether the duty was breached by the police under the specific circumstances of the case. To the average reader, this may not seem that significant, but it is. Most special-duty litigation arises under the second bullet above — the voluntary assumption of a duty — and establishing a special duty can be very difficult. Many municipalities are dismissed from suits because of the failure of a plaintiff to establish a special duty. But the Ferreira ruling means using a no-knock entry automatically creates a special duty, and the case will proceed to trial.

## Prioritize life

The last few years have been difficult for law enforcement officers across the country. For many of you, this article simply reinforces what you already know. But my hope is those who have not previously considered these issues will give them due consideration. Again, while the Ferreira case is only applicable to New York agencies, the reasoning of it is consistent with all the points raised within this article.

To all of you who accept the challenges of law enforcement and are willing to place yourselves at risk only when it is warranted to save lives, thank you.

## Endnotes

1. Ferreira v. City of Binghamton. (March 22, 2022.) 38 N.Y.3d 298, Leagle.com.
2. This article is not to be considered legal advice and portions are based on New York-specific case law. You should consult with your own legal advisors on the laws specific to you in your state.
3. Walsh J. (Jan. 5, 2022.) U.S. Bought Almost 20 Million Guns Last Year — Second-Highest Year On Record. Forbes.com.
4. Spencer T. (Feb. 5, 2021.) FBI slayings show risk surveillance cameras pose to police. AP News.
5. Bogel-Burroughs N, Kovaleski S. (Aug. 6, 2022.) Breonna Taylor Raid Puts Focus on Officers Who Lie for Search Warrants. New York Times.
6. Ferreira v. City of Binghamton.

## About the author

Mike Ranalli Esq. is a program manager II for Lexipol. He retired in 2016 after 10 years as chief of the Glenville (NY) Police Department. He began his career in 1984 with the Colonie (NY) Police Department and held the ranks of patrol officer, sergeant, detective sergeant and lieutenant. He also is an attorney and a frequent presenter on various legal issues including search and seizure, use of force, legal aspects of interrogations and confessions, wrongful convictions, and civil liability. He is a consultant and instructor on police legal issues to the New York State Division of Criminal Justice Services and has taught officers around New York State for the last 11 years in that capacity.

Ranalli also is a past president of the New York State Association of Chiefs of Police, a member of the IACP Professional Standards, Image & Ethics Committee, and the former chairman of the New York State Police Law Enforcement Accreditation Council. He is a graduate of the 2009 FBI-Mid-Atlantic Law Enforcement Executive Development Seminar and is a Certified Force Science Analyst.

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# TIME, TALK AND TACTICS:

## Adapting police response to today's climate

BY ROBERT KING

**V**ery early in my career, I was stabbed during a traffic stop. The stop was for a minor violation; unbeknownst to me, the occupants had recently committed an armed robbery. That day, I learned a valuable lesson: There are no low-risk stops, only unknown dangers. I had to use deadly force that day to defend my life. On that day, I experienced how deadly my new job could be.

A year later, I attended a peer support conference, and a psychologist offered Eye Movement Desensitization and Reprocessing Therapy (EMDR). During this treatment, I learned that this life-threatening event caused me to experience vulnerability and loss of control issues, two elements of trauma. Yet the stop only served to strengthen my resolve and my commitment to protecting and serving my community in the face of danger, no matter what.

Despite deep polarizing division in our nation, our communities need the police to protect and serve; the need is more critical today than ever. Policing is a noble and honorable profession; I believe in who we are and what we do.

I deeply respect, appreciate and admire the work done by law enforcement nationwide. The true heart of policing is selfless service and sacrifice to assist those in need.

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**In many cases, “ask, tell, make” resulted in force applications and injuries to citizens and officers. With better tactics, some of those injuries may have been avoided.**

However, our safety and effectiveness depend on the community's trust. We cannot ignore the harmful consequences of inhumane officers who violate their policies and training. When this happens, we all pay the price; we are answerable for each other's actions. We have rules that govern our activities; we must follow those directives, which separate us from the violent suspects who harm and prey on the public.

During my police academy, I was taught to “ask, tell, make” as a form of gaining compliance with my directions. I did exactly what I was trained to do when I graduated from the academy. I expected the public to comply and do what they were told. Over the years, though, my attitude has changed. In many cases, “ask, tell, make” resulted in force applications and injuries to citizens and officers. With better tactics, some of those injuries may have been avoided.

We are not responsible for the failures in our communities, but in many cases, we are tasked with responding to them. Overall, quality-of-life crimes are increasing; the murder rate is up, illicit drug use is out of control, and, unfortunately, people suffering from mental illness can sometimes lack the necessary resources and treatment.

With increasing assaults and ambush attacks, law enforcement’s job on the street is more dangerous today than ever before. However, most police calls conclude without having to use force. To accomplish this, we must adapt to the realities of the current situation. We cannot sacrifice safety for rapport. However, to be better supported by our communities and achieve improved outcomes for all involved, we must embrace using *time*, *talk* and *tactics* whenever possible.

### Finding alternatives to “ask, tell, make”

In years past, I was not fond of the word de-escalation. However, today it’s expected and, within many agencies, mandated. To increase officer safety and public support across the county, our profession must become willing to shift our attitude away from “ask, tell, make” policing when possible.

I know first-hand that deadly threats are sudden and unexpected. I also know we deal with dangerous people who commit violent crimes. So, everything that follows is suggested only when possible.

- When it’s time to be a warrior, be a warrior, and when it’s time to be a guardian, be a guardian.
- Whenever possible, we should envision the end state we want to achieve.
- Ask ourselves, what does success look like for individual calls and careers? What does failure look like?
- Avoid becoming action imperative. It can be appealing to act precipitously, but this approach has risks.
- Keep your emotions in check and maintain reasonability. Be strategic.
- Monitor your partner and help each other, as we can all be triggered. Recognize when your partner is in crisis and intervene before it is too late.



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## Everyone is watching. Do the right thing. It protects you and your fellow officers.

- Remember, under law, we have a “duty to intervene” when officers cross the line, so be proactive.

- Always have a sound legal basis for police action, either reasonable suspicion or probable cause.

Why don't people do what we ask? Sometimes it is a violent criminal determined to evade arrest by flight. Sometimes we are attacked and must defend ourselves. Other times if a person is in crisis, we need to recognize that they may not understand our directions or be emotionally able to comply. If believed to be unarmed, take time to talk, maintain safe positioning, and coordinate with cover officers. Always have a leader, a plan, and communicate. Say and do things designed to achieve positive outcomes for everyone, including the subject.

- Always act reasonably, being able to articulate what you are doing and why.

- Use active listening skills as your go-to tactic. They're practical and proven to be effective. Empathy, compassion and respect are powerful.

- If it's safe to do so, you should continuously pursue de-escalating efforts. *Graham v Conner* is all about totality, reasonability and proportionality.

- The power to arrest allows us to use objectively reasonable force to achieve a legitimate purpose. Disregarding these rules can subject officers to administrative consequences.

- Know the law and policy and articulate and justify the reasonableness of your actions.

- Consider the cost-benefit and view a career as a marathon, not a sprint.

- Pause when agitated.

- During an arrest, only use reasonably necessary force to overcome resistance. If applying a takedown, limit the time you apply pressure on the subject's body. Knees on the back, chest, stomach or neck can take one's breath away, causing severe injury or death.

- Once handcuffed, a subject is in our custody; they are in our care. Monitor airway, breathing and circulation. Always place a person in a position that promotes proper breathing, such as the Lateral Recovery Restraint (LRR), and call EMS when needed.

- Humanity is important. Be compassionate and humane, even after the application of force. Deliver the subject safely to jail or hospital. Stop fellow officers when you see them unnecessarily escalate situations. The duty to intervene protects everyone.

- Explain your actions to family or witnesses when appropriate. Everyone is watching. Do the right thing. It protects you and your fellow officers.

## Conclusion

Today, people regularly play the blame game, scapegoat and finger-point rather than thoroughly investigate the root cause and then be truthful about what happened and why. Most police departments need to do more to adapt to changing community expectations. Agencies must update policies, train to those policies, and have engaged supervision; it protects all of us. The command staff also must set clear expectations and hold people accountable fairly and consistently. As officers, we have no control over these things, so we must commit to controlling what we can, which is our attitudes and our actions. When we reasonably follow our policy and training, we protect ourselves, our fellow officers, our families, our profession, and the community.

We want every officer in our country to survive the streets, have thriving careers, and one day retire to enjoy the fruits of their labor. To do this, we must be willing to adjust our attitudes, adapt to new tactics and recognize the need for change in our culture.

The Stockdale Paradox, developed in the book “Good to Great” by Jim Collins, tells us: “You must never confuse faith that you will prevail in the end — which you can never afford to lose — with the discipline to confront the most brutal facts of your current reality, whatever they might be.” We are coming through the current crisis. The challenges are extensive, and we will prevail if we all become willing to adapt to changing expectations.

The reality is that we police dangerous streets. We must resolve to care for ourselves, do the right thing, and help others with compassion and humanity. Let's work together to earn trust in our communities to increase safety for everyone.

The heart of our profession is to help people. While bad examples of policing impact trust, communities nationwide continue to call 911 at an increasing rate. We must be here to answer their call.

## About the author

Robert King retired as a commander from the Portland Police Bureau after serving 30 years in policing. In 2021, he joined Con10gency Consulting as the national director of training.

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**We want every officer in our country to survive the streets, have thriving careers, and one day retire to enjoy the fruits of their labor. To do this, we must be willing to adjust our attitudes, adapt to new tactics and recognize the need for change in our culture.**





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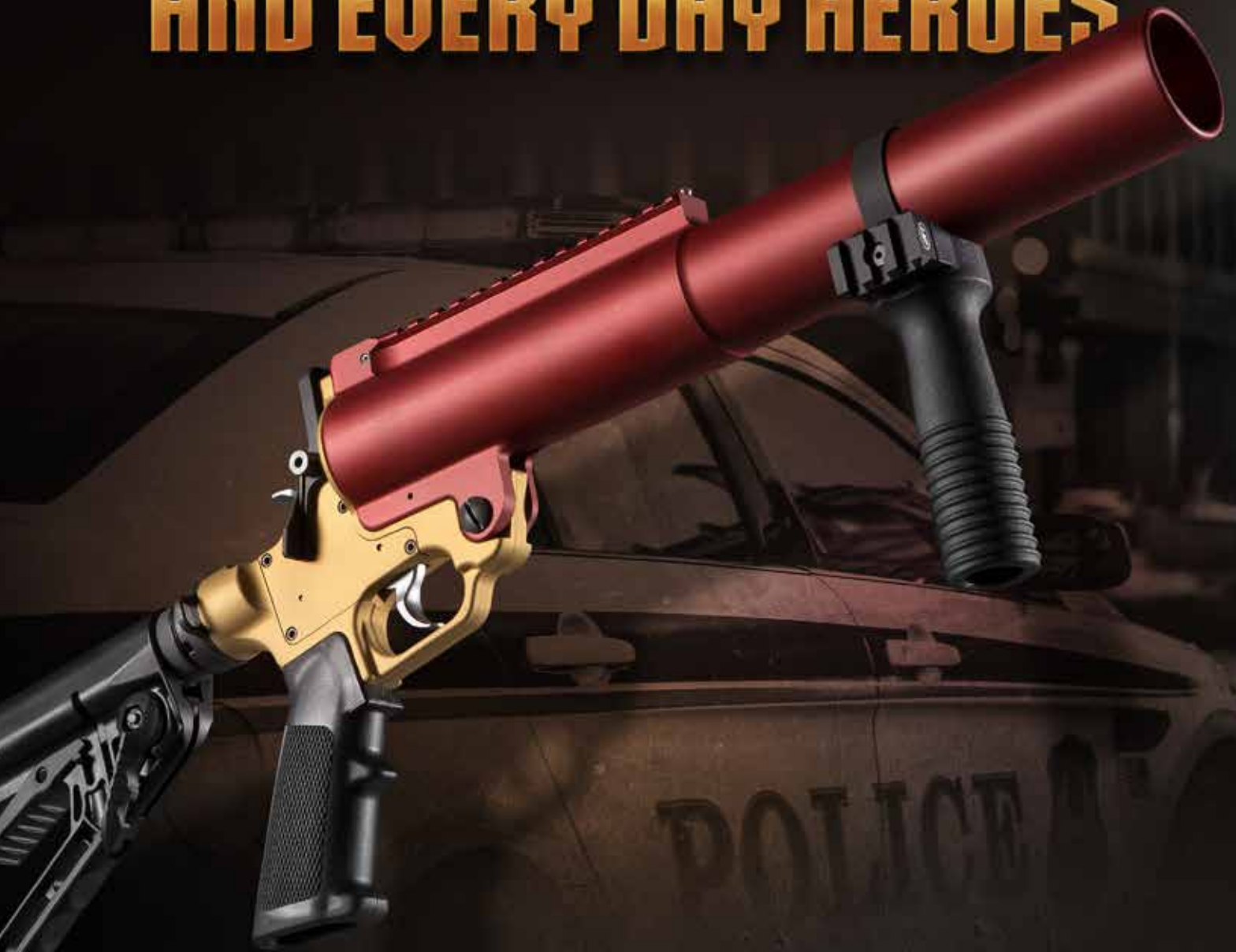
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