

NEWSLETTER

Michael Becar, Executive Director, CEO
International Association of Directors of Law Enforcement Standards and Training
1330 North Manship; Meridian, Idaho 83642-6444
(208) 288-5491; <http://www.iadlest.org>



Washington, DC, Office: 1175 I Street, NW; Suite 1150; Washington, DC 22005

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KIM VICKERS

President
Texas Commission on Law Enforcement
6330 East Hwy 290, Ste. 200
Austin, Texas 78723
(512) 936-7700
Kim.Vickers@tcole.texas.gov

BRIAN GRISHAM

First Vice-President
Tennessee Law Enforcement
Training Academy
3025 Lebanon Pike
Nashville, Tennessee 37214
(615) 741-4448
brian.grisham@tn.gov

ERIK BOURGERIE

Second Vice-President
Department of Law
Colorado Peace Officer Standards and
Training Board
1300 Broadway, 9th Floor
Denver, Colorado 80203
(720) 508-6737
erik.bourgerie@coag.gov

STEPHANIE PEDERSON

Secretary
Wisconsin Dept. of Justice Training and
Standards
17 West Main Street; P.O. Box 7070
Madison, Wisconsin 53707
(608) 261-8641
pedersonse@doj.state.wi.us

JESUS CAMPA

Treasurer
Oklahoma Council on Law Enforcement
Education and Training
2401 Egypt Road
Ada, Oklahoma 74820
(405) 239-5150
Jesus.campa@cleet.state.ok.us

DANIEL ZIVKOVICH

1st Immediate Past President
1330 North Manship
Meridian, Idaho 83642-6444
(208) 288-5491

A Nationally Certified Program (NCP) ensures that the training is current, engaging, legally defensible, and appropriate to the target audience.

ENHANCING THE POLICING PROFESSION IADLEST STANDS READY TO ASSIST AND ADVISE POLICYMAKERS

Mike Becar, Executive Director



The International Association of Directors of Law Enforcement Standards and Training (IADLEST®) supports the ongoing efforts to enhance the policing profession. The public's reasonable expectation of exemplary police conduct and service underpins the building of genuine police and community trust. It also drives the work of IADLEST.

IADLEST's mission is to support the innovative development of professional standards in public safety through research, development, collaboration, sharing of information, and assisting states and international partners by establishing effective and defensible standards for the employment and training of public safety personnel. Our membership is comprised of key leaders in law enforcement training, including the Peace Officer Standards and Training (POST) Directors of every state in the U.S., as well as state and local training academy directors. As a nonprofit association, IADLEST has 50 years of experience in developing model training standards and policies, certifying training courses using the most rigorous review standards, and accrediting and recognizing commendable police academies. In addition, IADLEST is the only organization well-positioned to establish criteria and a program for accrediting peace officer standards and training (POST) agencies with research-based, best-practices criteria.

A national police officer decertification database is a significant component to not only the restore of public confidence in police organizations, but aids law enforcement agencies in making informed hiring decisions. IADLEST's commitment to preventing unqualified police officers from holding critical positions of public trust led IADLEST to develop the [National Decertification Index \(NDI\)](#) over 20 years ago. The NDI serves as a national registry of certificate or license revocations relating to police officer misconduct. The records contained in the NDI are provided by participating state government agencies. The NDI currently contains 28,420 actions reported by 45 certifying state agencies.

With the strength and collective knowledge and expertise of our 50 State law enforcement certifying POSTs behind us, IADLEST stands ready to assist and advise national policymakers, police leaders and the communities they serve, and our IADLEST members.

Contact: Mike Becar, Executive Director, (208) 288-5491; or mikebecar@iadlest

Editorial Note: The IADLEST Newsletter is published quarterly. It is distributed to IADLEST members and other interested persons and agencies involved in the selection and training of law enforcement officers.

The IADLEST is a nonprofit organization comprised of law enforcement training managers and leaders. Its mission is to research and share information, ideas, and innovations that assist in the establishment of effective and defensible standards for the employment and training of law enforcement officers.

All professional training managers and educators are welcome to become members. Additionally, any individual, partnership, foundation, corporation, or other entities involved with the development or training of law enforcement or criminal justice personnel are eligible for membership. Recognizing the obligations and opportunities of international cooperation, the IADLEST extends its membership invitation to professionals in other democratic nations.

Newsletter articles or comments should be sent to IADLEST; 1330 North Manship; Meridian, Idaho 83642; or Yvonne@iadlest.org. Contributors are encouraged to provide material that best promotes valid standards for the employment and training of law enforcement officers.

The IADLEST reserves its right to select and publish articles, announcements, and comments. The viewpoints and opinions of contributors are those of the author and do not necessarily represent the views of the IADLEST.

MEETING SCHEDULE

The 2020 COVID-19 pandemic and the prohibition on holding large gatherings has altered the IADLEST schedule and manner of conducting its meetings for 2020. The June 2020 IADLEST Conference was cancelled and the fall meeting of the Executive Committee will be conducted as a virtual meeting with the date and time yet to be determined. Further information will be published at a later date.

The next annual conference is scheduled for May 23-25, 2021, at the Omni Fort Worth Hotel, Fort Worth, Texas. More details will be forthcoming. Please contact yvonne@iadlest.org if you have additional questions.

POST DIRECTOR CHANGE



Kentucky: Nicolai R. Jilek was appointed as the new commissioner of the Kentucky Department of Criminal Justice Training Feb.10, 2020.

He recently served as president of the largest police union in Kentucky, the River City Fraternal Order of Police (RCFOP), and as a sergeant with the Louisville Metro Police Department. Jilek was responsible for mediating disputes between the department administration and its sworn members and for enforcing existing labor contracts. He also served as a legislative agent for the Kentucky State Fraternal Order of Police. In this role, he traveled the state to develop and strengthen working relationships with Community leaders, elected officials and news media across the Commonwealth, and advocated for law enforcement issues such as public employee pensions at the local, state, and national levels. Jilek also sat on the Labor Committee and the Urban Cities Committee for the National Fraternal Order of Police, which allowed him to shed-light on law enforcement issues at a nationwide level.

At Louisville Metro Police Department (LMPD), Jilek spent time in patrol and as a plainclothes detective in a division flex platoon investigating narcotics offenders and assisting division detectives.

Prior to LMPD, Jilek was an officer and detective for the Danville Police Department. He was also a member of the special response team and a firearms instructor for the agency.

His educational background includes a bachelor's degree from the University of Kentucky, which he earned with honors, and he graduated from the National Forensic Academy in Knoxville, Tennessee. Additionally, he completed the 1,280-hour Kentucky Police Corps program at DOCJT in 2002 and the Louisville Metro Police Academy in 2007.

Jilek is married to his wife, Tami, a proud public school teacher. The couple has two young daughters.

LAW ENFORCEMENT FIREARMS INSTRUCTOR CERTIFICATION

Recommended Standards

*submitted by: The National Law Enforcement Firearms
Instructors Association*

National Law Enforcement Firearms Instructors Association (*NLEFIA*) in cooperation with IADLEST has prepared and published its recommended standards for certification of firearms instructors refer to: office@nlefia.org or 1-800-930-2953 for further information.

DE-ESCALATION: COMPLETELY MISUNDERSTOOD, EMPLOYED & TRAINED

by Jim Glennon Lt. (ret.)

The web site article below details an experienced officer's perceptive on training and the skills to de-escalate a volatile incident. The author is a police officer and de-escalation instructor.

To read Jim Glennon's article: [CLICK HERE](#)



ALL THE GEAR ALL THE TIME

POLICING THE POLICE: THE IMPACT OF "PATTERN-OR-PRACTICE" INVESTIGATIONS ON CRIME

by: Tanaya Devi, Roland G. Fryer Jr.

The National Bureau of Economic Research (NBER): Working Paper No. 27324;
Issued in June 2020;
NBER Program(s): Law and Economics, Labor Studies

This paper provides the first empirical examination of the impact of federal and state "Pattern-or-Practice" investigations on crime and policing. For investigations that were not preceded by "viral" incidents of deadly force, investigations, on average, led to a statistically significant reduction in homicides and total crime. In stark contrast, all investigations that were preceded by "viral" incidents of deadly force have led to a large and statistically significant increase in homicides and total crime.

We estimate that these investigations caused almost 900 excess homicides and almost 34,000 excess felonies. The leading hypothesis for why these investigations increase homicides and total crime is an abrupt change in the quantity of policing activity. In Chicago, the number of police-civilian interactions decreased by almost 90% in the month after the investigation was announced. In Riverside, CA, interactions decreased 54%. In St. Louis, self-initiated police activities declined by 46%. Other theories we tested such as changes in community trust or the aggressiveness of consent decrees associated with investigations -- all contradict the data in important ways.

To read the Working Paper:

<https://www.nber.org/papers/w27324>



**2020-21 IADLEST
EXECUTIVE COMMITTEE
INTRODUCTIONS**

The following is a brief biographical sketch of each of the Committee members.

President: Kim Vickers is the Director of the Texas Commission on Law Enforcement Standards and Education. Prior to his appointment as POST Director, Kim served 27 years with the Abilene Police Department in a wide variety of capacities. He was Commander of the Critical Missing Response Team which gained nationwide attention when it handled and quickly solved the first Amber Alert case in Texas. Kim is also nationally recognized as an expert instructor and consultant in the area of family violence dynamics and law. He has drafted several pieces of Texas family violence law, has testified as an expert witness before Texas Senate and House Committees, and is currently a member of the Board of Directors of the National Council on Family Violence.

In 2006, Kim began working as a Field Service Agent for the Texas Commission on Law Enforcement as Director of Education and Credentialing.

Kim has been an IADLEST Executive Committee member for several years and previously served as its 2016-17 President.

First Vice-President: Brian Grisham, Esq., is the Director of the Tennessee Law Enforcement Training Academy (TLETA) and Executive Secretary of the Tennessee Peace Officer Standards and Training (POST) Commission since April 2005.

Prior to that, he served as Assistant Director since 1997. He has served as assistant to the commissioner and staff attorney for the Tennessee Department of Safety. Brian received his law degree from the Nashville School of Law in 1989 and his B.S. from Middle Tennessee State University in 1984. Brian's law enforcement experience includes service with the Department of Safety's Criminal Investigations Division, Middle Tennessee State University Police Department, and prior service

with the Tennessee Law Enforcement Training Academy.

He has been a licensed attorney since 1989 and has training certifications in criminal law, firearms instruction, asset forfeiture, police management, and courtroom security. In addition to instructional and administrative duties at the academy, he has served as an investigator and legal advisor to the POST Commission.

Outside of these departmental duties, Grisham serves as a member of the Tennessee Public Safety Network providing training and critical incident stress debriefing and peer support, is a member of the Tennessee Voices for Victims Advisory Council, and is a member of the International Association of Directors of Law Enforcement Standards and Training (IADLEST). He is a graduate of the Tennessee Government Executive Institute and the FBI National Law Institute. In 2011, Brian was appointed to the Governor's Subcabinet for Public Safety.

Brian has been an IADLEST Executive Committee member for several years and previously served as its 2017-18 President.

Second Vice-President: Erik Bourgerie served as the Director of the Colorado Peace Officer Standards and Training (POST). In this role, Erik works with the POST Board to develop training requirements for law enforcement training academies and in-service training requirements, ensures compliance with POST rules and standards, and administers multi-million dollar grant programs for law enforcement training.

Erik J. Bourgerie was born into a career military family, where he learned a deep appreciation for public service. He moved to Colorado in 1989 to attend the University of Colorado at Boulder on a Marine Corps scholarship, where he earned a Bachelor's Degree in Political Science. In 1997, Erik joined the Summit County Sheriff's Office as a Deputy Sheriff working in the Detentions Division. During the course of his 20-year career with the Summit County Sheriff's

Office, Erik worked in a variety of capacities, including: Detentions Sergeant, Patrol Sergeant, lead firearms and arrest control instructor, and training sergeant. In 2008, Erik was promoted to Detentions Division Commander. Erik retired from the Summit County Sheriff's Office on November 2, 2017, where he was the longest serving detentions division commander in agency history.

Throughout his career, Erik has been passionate about training. He first became an arrest control instructor in 1998 as a PPCT Defensive Tactics Instructor, following his lifelong study of martial arts. This was soon followed by instructor statuses in PPCT Spontaneous Knife Defense, Restraint Chair, Law Enforcement Edged Weapons Tactics (LEEWTT), Assault Prevention Workshops, and Krav Maga. Erik became a POST Firearms Instructor in 1999 and gained POST Full Skill instructor status for firearms in 2002. Erik joined the POST Arrest Control Tactics Subject Matter Expert Committee in 2003 and was appointed Chair of the committee in 2013.

Secretary: Stephanie Pederson is a Law Enforcement Education Consultant with the Wisconsin Department of Justice, Training and Standards Bureau. Her primary duty includes developing law enforcement training curricula for the basic recruit academies in Wisconsin. Prior to joining the Wisconsin Training and Standards Bureau in 2006, Stephanie worked for Target Corporation and for the Army as an active duty Military Police Officer. She has a BA in Criminal Justice from the University of Wisconsin-Madison and a Master's degree in Criminal Justice from the University of Phoenix.

Stephanie also served as the Central Region Representative to the IADLEST Executive Committee.

Treasurer: Jesus E "Eddie" Campa was appointed Executive Director of CLEET on November 19, 2018. Director Campa was born and raised in El Paso, Texas. He joined the El Paso County Sheriff's Office in 1994 and retired from the Sheriff's Office in 2014 as the Chief

Deputy of Law Enforcement overseeing Criminal Investigations, Narcotics, Patrol, CALEA Accreditation, The Region VIII Training Academy, and all specialized units such as SWAT, CNT, and Search and Rescue.

Director Campa was then appointed as the Chief of Police for the Ector County ISD Police Department in Odessa, Texas, where he was working on implementing the Enough Stop Bullying Campaign he had developed while in El Paso. Director Campa was later appointed Chief of Police for the City of Marshall, Texas, where he created and implemented the innovative No Colors No Labels Program, Cool Cops Ice Cream truck, ensured that the Marshall Police Department obtained the Texas Police Chief's Best Practices Recognition Accreditation in under two years, and was named the Dr. Martin Luther King, Jr., Humanitarian of the Year by the NAACP.

Director Campa holds a Master's Degree in Criminal Justice and Security Administration, a Bachelor's Degree in Criminal Justice Administration, and is currently in the Dissertation Phase of his Ph.D. in Criminal Justice.

Director Campa is the spokesperson for Ranch on the Rocks Recovery Center in Sierra Blanca, Texas, and sits on the Board of Directors. Director Campa is a strong supporter and believer of 21st Century Policing and Procedural Justice. Director Campa has completed writing his first book on Leadership in the 21st Century which was published in mid-2019. He has worked with NETFLIX and 12 More Rounds of Infinity Productions on an animated series based on the adventures of a minority police chief which is based on the life of the Director.

Immediate Past President: Daniel Zivkovich Dan Zivkovich retired as the Executive Director of the Massachusetts Municipal Police Training Committee, which sets training standards for and provides training to municipal, University of Massachusetts, and environmental police officers statewide. He has been involved in policing for 30 years. Prior Massachusetts Director, Dan was the Chief of Police in

Jackson, Wyoming, for almost four years. Prior to that, he spent five years as the Director of the Wyoming Law Enforcement Academy in Douglas, which is where he began his membership and association with IADLEST.

Prior to accepting the academy position, he spent 18 years with the Wyoming Highway Patrol, working his way from Trooper to Captain. His various positions included patrol officer, truck enforcement specialist, safety education, training coordinator, and district supervisor. For seven years, he oversaw the Wyoming Highway Patrol's hiring and promotional testing processes and the basic and advanced training programs. He was also a member of the administrative staff. He has been involved in law enforcement training for over 25 years, teaching a wide variety of topics, including OUI enforcement, field training officer (FTO), ethics, crash investigation and reconstruction, and supervision/leadership classes. Dan is a graduate of the 190th Session of the FBI National Academy.

Northeast Region Representative:

Michael R. Wood is the Deputy Commissioner of New York State's Division of Criminal Justice Services, Office of Public Safety and serves as the New York State POST Director. Mike joined the New York State Division of Criminal Justice Services in April 2014 after a 27-year career in law enforcement. Most recently serving as Deputy Chief of Operations for the Rochester, New York, Police Department, and Chief of Court Security for the Monroe County Sheriff's Office, he has also commanded a patrol division, crime analysis unit, homicide division, and served as Aide to the Chief of Police.

A Rochester native, Mike received his Bachelor of Science degree in Mathematics/Management from Le Moyne College in Syracuse, New York, and is a graduate of the Senior Management Institute for Police.

Southern Region Representative: Steven Combs is the Director of the Criminal Justice Standards Division.

Since 2013, Steve has overseen the Criminal Justice Standards Division, which administers the Criminal Justice Training and Standards Commission's mandatory certification program for all sworn police officers in North Carolina. The Commission sets employment and professional training standards for police officers and certifies officers who have met these standards.

Prior to his new appointment, Combs served as an Assistant Special Agent in Charge for the State Bureau of Investigation (SBI) in its Jacksonville, North Carolina, office. He was with the SBI for 15 years.

Combs holds a Bachelor of Arts degree in Criminal Justice from East Carolina University and has completed specialized training in law enforcement management through the North Carolina Justice Academy.

Combs served previously with the Raleigh Police Department and the US Coast Guard Reserves.

The Criminal Justice Education and Training Standards Commission was created by the NC General Assembly in 1971 as the Training and Standards Council to oversee education and employment requirements for police officers. The Commission is currently made up of 31 members appointed by the Governor, legislators, the Attorney General, and law enforcement groups.

Central Region Representative:

Amanda Yarbrough joined the Arkansas Commission on Law Enforcement Standards and Training in 2017 as the Commission's in-house counsel. Amanda graduated from the University of Houston in 2008 with a Bachelor of Arts in Political Science. She graduated from the University of Arkansas at Little Rock -William H. Bowen School of Law in 2016 and was admitted to practice law in Arkansas the same year. Before attending law school, Amanda worked for ten years as a private practice paralegal in Texas and Arkansas. Before coming to CLEST, she worked for the Arkansas Court of Appeals. Amanda is responsible for all legal-

related projects for the Commission, including conducting officer decertification hearings pursuant to the Administrative Procedures Act, maintaining agency compliance with state and federal law, promulgating agency rules, and teaching legal curriculum at the ALETA basic police academies.

Midwest Region Representative:

Kelly Alzaharna is the Director of the New Mexico Law Enforcement Academy in Santa Fe, New Mexico. Director Alzaharna is a 33-year law enforcement veteran, serving five years in New Mexico and 25 years in Alaska. She holds a Bachelor's degree in Human Resource Management, a Master's degree in Organizational Leadership, and is a graduate of the 198th session of the FBI National Academy. Director Alzaharna retired from Alaska law enforcement in 2015. She was also the Executive Director for the Alaska Police Standards Council, a position she held for three years. Kelly spent 21-years with the North Slope Borough Police Department, in Barrow, serving her last three years as Chief of Police, prior to accepting a position as Training Coordinator with the Alaska Police Standards Council (APSC).

Director Alzaharna started her law enforcement career as a police officer in southern New Mexico prior to moving to Alaska. She previously served on the IADLEST Executive Board as Treasurer.

West Region Representative: Perry Johnson has been the Montana POST Director since 2013. Perry has been a veteran Montana law enforcement officer for more than 30 years. He is formerly the Ravalli County Undersheriff and served as the Ravalli County Sheriff. He has also served on the board of the Montana Sheriff's and Peace Officers Association and as chairman of the association's government affairs committee. He is a graduate of the FBI National Academy and served as President of the Montana/Idaho National Academy Associates.

Perry oversees the POST Council which is an independent, quasi-judicial board. It is required by state law to set employment and training

standards for all public safety officers. POST also provides for the certification of public safety officers and is responsible for the suspension or revocation of certification of public safety officers.

International Region Representative: Gary Bullard began his federal career with ICITAP in 2009 and currently serves as ICITAP's assistant director for the Europe, Eurasia, and Western Hemisphere region. Mr. Bullard's previous ICITAP assignments include serving as the program manager for Albania and Montenegro and as the DOJ-ICITAP Interagency Police Representative to the United States European Command (EUCOM) J-9 Interagency Partnering Directorate in Stuttgart, Germany.

Mr. Bullard has over 35 years of law enforcement experience in the United States and abroad. He has 20 years of experience in the development of police training programs, including ten years as director of training academies—domestically, in Vermont and Virginia; and internationally, in Jordan.

Mr. Bullard has worked in law enforcement development projects in post-conflict and emerging democracies since 1999, Bosnia and Herzegovina (1999-2000); Iraq and Afghanistan (2004) and Jordan (2006). While mobilized with the United States Central Command (CENTCOM) in 2004, Mr. Bullard served as the operations chief for the Civilian Police Assistance Training Team (CPATT) in Iraq during its operational start-up and in Afghanistan as the lead CENTCOM advisor in evaluating and providing recommendations to the Combined Joint Task Force and the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) on their police development programs. In Jordan, he served as INL's Jordan International Police Training Center Director. In this capacity, he was responsible for planning, organizing, and directing the world's largest international police training facility, which was staffed by 2,000 international professionals and trained over 3,000 Iraqi police per month.

Mr. Bullard holds a Master's Degree in executive development for public service from Ball State University, a Bachelor's Degree in criminal justice from Castleton State College, and is a graduate of the 184th session of the Federal Bureau of Investigation's National Academy.

In June 2011, Mr. Bullard received the Medal of Gratitude from the President of Albania as well as the U.S. Department of State Superior Honor Award for his work with the Albania State Police. In 2004, Mr. Bullard was awarded the Bronze Star and the Defense Meritorious Service Medal while mobilized to active duty in support of both Operation Enduring Freedom and Iraqi Freedom.



THE LAW ENFORCEMENT RESPONSE TO UNLAWFUL ASSEMBLIES, PROTESTS, AND RIOTS

*by: John Ryan Attorney, LLRMI; Jack Ryan Attorney,
Captain Providence Police Department (Retired)
Co-Director LLRMA*



**Legal and Liability Risk
Management Institute**

Over the last few weeks, law enforcement throughout the United States has been faced with controlling protests and even riots following the death of George Floyd during his arrest by the Minneapolis Police Department. These events did not begin with George Floyd, but rather have occurred over the last few years following deaths of black males during events with law enforcement. That said, the George Floyd case has reverberated around the United States and

even to other countries. It should be noted that all of law enforcement has condemned the manner of restraint of George Floyd by Minneapolis officers and the lack of intervention by officers who were present.

This article accompanies the virtual training session for law enforcement on responding to protests, unlawful assemblies, or riots.

At the outset, we think it is important to mention something that does not seem to have been considered by any of the media, political leadership, or law enforcement leadership. The protests and riots relating to law enforcement's use of force, particularly as it relates to the Black Lives Matter movement are different than any other protest that law enforcement faces. Consider the fact that in most protests, law enforcement stands in the neutral zone between two opposing forces, somewhat like the referees in the middle of two opposing teams. For example, with abortion protests that have occurred at places like Planned Parenthood for years, law enforcement takes a position between the pro-life movement and the pro-choice movement and tries to keep the protest peaceful while at the same time allowing these opposing viewpoints to get their message across. In technical terms, we would call the opposing viewpoints at the protest, "the protesters" and the "counter-protesters." Law enforcement is a neutral party that tries to keep the peace among these opposing viewpoints and, in the planning stages, are told to remain neutral and treat both viewpoints equally.

The current protests are very different; law enforcement is the opposing viewpoint to the protesters. The protest groups are protesting against the actions of law enforcement. While law enforcement certainly does not view it this way, law enforcement's actions in controlling these protests is like having the counter-protesters controlling the protesters. From the perspective of the protesters, there is no neutral party between them and the opposition. At some level it would be like having the leadership of Planned Parenthood take responsibility for controlling the anti-abortion protesters. As such, the agitation level and the interactions between

the protesters and law enforcement is at a heightened level, and law enforcement's response to the protesters may be characterized by protesters as being retaliation for their criticism of law enforcement. One of the key tenets of law enforcement is that the application of law must be impartial. In the area of crowd control, protests, unlawful assemblies and riots, law enforcement is the governmental entity charged with ensuring public safety. Because in this instance law enforcement is the subject of the protest, it is not surprising that the actions of law enforcement are intensely scrutinized and are often criticized as being retaliatory and unfair.

Law enforcement actions during a protest are at the intersection of the protesters' First Amendment Rights to peacefully assemble and Fourth Amendment issues related to arrest and use of force.

A case from the United States Court of Appeals for the 2nd Circuit explained in *Papineau v. Palmley*, 465 F.3d 46, 56-57 (2nd Cir. 2006):

The Supreme Court has declared that the First Amendment protects political demonstrations and protests - activities at the heart of what the Bill of Rights was designed to safeguard. Indeed, the Court has repeatedly held that police may not interfere with orderly, nonviolent protests merely because they disagree with the content of the speech or because they simply fear possible disorder. First Amendment protections, furthermore, are especially strong where an individual engages in speech activity from his or her own private property.

That said, First Amendment protections, while broad, are not absolute. It is axiomatic, for instance, that government officials may stop or disperse public demonstrations or protests where "clear and present danger of riot, disorder, interference with traffic upon the public streets, or other immediate threat to public safety, peace, or order, appears." Indeed, where a public gathering threatened to escalate into racial violence and members of a hostile crowd began voicing physical threats, the

Supreme Court expressly sanctioned police action that ended the demonstration and arrested the speaker, who defied police orders to cease and desist. The police, the Court reasoned, were not "powerless to prevent a breach of the peace" in light of the "imminence of greater disorder" that the situation created. (*Cites Omitted*).

A word on "content neutrality:" Law enforcement as well as local laws that may impact First Amendment Rights must be content neutral. Thus, if the local ordinance related to parades were to grant a parade permit to the Catholic Relief Association that will promote a message of Christianity, the city or town could not deny a permit to an anti-Christian group that was promoting a vile anti-Christian speech. Essentially, you cannot punish or treat unequally based on the message.

A word on "Heckler's Veto:" There have been cases where a single person or a small group of people have protested with hateful and vile speech that brings in a large group of counter-protestors that begin to threaten violence against the small group. In these instances the simple law enforcement response would be to safely remove the small group to end the threat. Simple is not always Constitutional and the courts have made clear that such action would violate the rights of the small group.

First Amendment is not absolute in time, place, manner and restrictions: All law enforcement leadership and local governments should recognize that the First Amendment is not absolute. For example, a person cannot shout fire in a crowded movie theatre. Additionally, reasonable time, place, and manner restrictions can be put on protests.

Some Cases on Law Enforcement Tactics:

Abay v. City of Denver, 2020 U.S. Dist. LEXIS 99523 (D. Colo. Jun. 5, 2020). (Police use of chemical agents on demonstrators.)

In a recent case, Plaintiffs brought a request for a temporary restraining order which sought to enjoin the Denver Police Department and other police agencies from using chemical agents and

certain forms of physical force against demonstrators who are taking part in protests related to the death of George Floyd. Specifically, Plaintiffs challenge the DPD's use of the following chemical agents against demonstrators: mace/oleoresin capsicum spray or mist/pepper spray/pepper gas, tear gas, skunk, inert smoke, pepper pellets, and xylyl bromide. Plaintiffs further alleged that DPD had violated their First Amendment rights of free speech and their Fourth Amendment rights to be free from excessive force by the police.

The Court noted that it had reviewed video evidence of numerous incidents where police had used pepper spray on individuals who appeared to be standing peacefully. The Court further noted that Plaintiffs had cited video evidence where projectiles were used against journalists who appeared to be documenting the protests. Plaintiffs also cited video evidence where projectiles struck a peaceful protestor and a "medic" protestor who went to assist. Plaintiffs also cited video evidence which documented four incidents where police projectiles struck the eyes of peaceful protestors and resulted in facial fractures and vision loss. Lastly, there was video evidence presented of three incidents where officers shot pepper balls or threw tear gas into peaceful crowds.

The Court granted the Plaintiffs' motion, and temporarily enjoined the DPD and other assisting agencies "from employing chemical weapons or projectiles of any kind against persons engaging in peaceful protests or demonstrations." Additionally, the Court temporarily enjoined the DPD and other assisting agencies "from using chemical weapons or projectiles unless an on-scene supervisor at the rank of Captain or above specifically authorizes such use of force in response to specific acts of violence or destruction of property that the command officer has personally witnessed."

Further, the Court ordered the following: 1) kinetic impact projectiles "KIPs" and other projectiles may never be targeted at the head, pelvis, or back; 2) KIPs and other projectiles shall not be fired indiscriminately into a crowd;

3) Non-Denver officers shall not be permitted to use any force or weapon beyond what DPD officers are authorized to use; 4) all officers at the demonstration must have their body-worn camera functioning at all times and with no obstructions; 5) chemical agents or irritants can only be deployed after an order to disperse is issued; and 6) all orders to disperse must be followed by adequate time for dispersal, and officers must provide safe means of egress. If it appears the dispersal order cannot be heard, then the order must be repeated prior to the use of any chemical agents or irritants.

Campbell v. City of Oakland, 2011 U.S. Dist. LEXIS 172040 (N.D. Cal. Dec. 12, 2011).

This case arises out of the "Occupy Oakland" protests which began in October 2011. On the afternoon of October 25, 2011, protests became violent. Defendants asserted that protestors assaulted officers by "kicking them in the legs, spitting at their faces, and throwing rocks, bottles with bleach and urine, and paint balls." At one point, it became necessary to use tear gas to disperse a crowd of approximately 500 protestors who were surrounding a smaller group of protestors. In contrast, Plaintiffs contended that police beat a protestor who had been trapped by a crowd, and fired bean bags rounds, flash bang grenades, and tear gas into assembled crowds without warning and in violation of policy. Later in the evening, the protestors convened at Frank Ogawa Plaza, and a more intense confrontation occurred between police and protestors. Plaintiffs claimed that officers ordered dispersal before illegal conduct occurred, did not issue audible dispersal orders, and resorted immediately to forcible tactics. Defendants alternatively claimed that officers deployed force to protect police and sanitation crews from hostile protestors.

Another large-scale demonstration took place on November 2, 2011. Late in the evening, a confrontation between police and demonstrators occurred. Plaintiffs contended that "Oakland police again failed to give intelligible dispersal orders, used excessive physical force against some individual protesters, and fired projectiles, flash bang grenades, and tear gas

indiscriminately into crowds and toward non-threatening individuals. . .” Defendants alternatively contended that around midnight, masked protestors went on a rampage and caused various forms of property damage. Defendants asserted that police responded surgically to these violent demonstrators. Approximately 80 demonstrators were arrested by police.

In analyzing Plaintiffs’ claims for a preliminary injunction, the Court first examined whether Plaintiffs would have a likelihood of success on the merits for their constitutional claims. Here, the Court noted that there were significant disputes regarding whether the Plaintiffs’ complained of incidents were violations of Oakland policy, whether these incidents constituted a pattern, and whether these incidents were officially sanctioned. The Court next stated that Plaintiffs had not shown a likelihood of a great and immediate threat of future harm. In this regard, the Court explained that “defendants’ conduct on October 25 and November 2 was not part of a ‘standard pattern’ but rather, a strained response to exceptional circumstances.” Lastly, the Court explained that the balance of the equities and the public interest did not clearly favor Plaintiffs or Defendants. Here, the Court reasoned that Plaintiffs sought to protect First and Fourth Amendment rights whereas Defendants sought to protect the safety and property of Oakland citizens. These competing interests did not clearly favor Plaintiffs.

For these reasons, the Court denied Plaintiffs’ motion for a preliminary injunction.

Bernini v. City of St. Paul, 665 F. 3d 997 (8th Cir. 2012).

This case arose out of events which occurred on the first day of the 2008 Republican National Convention. After permitted marches had ended, a senior law enforcement commander order downtown St. Paul closed. After downtown was ordered closed, a group of people were marching down Shepard Road, and a police Neighborhood Response Team (“Team 36”) was ordered to this area to prevent entry into downtown. At around

4:30 p.m. a group of 100 people gathered at Shepard Road and Jackson Street, and a smaller subset of the group began to cross the street. Officers ordered these individuals to back up and began to fire stinger blast balls. Officers contend that numerous objects were thrown at them.

The group of protestors and the officers then began to move west, and the size of the crowd grew to hundreds of people. Officers continued to deploy smoke, pepper balls, and chemical irritants to keep the crowd moving west. The officer in charge of the scene then decided to encircle the crowd in a park. After the crowd was contained, officers announced multiple times over a loudspeaker that everyone in the crowd was under arrest and ordered that everyone sit down and put their hands on their heads. Officers then attempted to determine who had been present at the earlier confrontation at the Sheperd and Jackson intersection. Officers eventually released about 200 individuals and arrested about 160 individuals.

Plaintiffs first alleged that officers violated their Fourth Amendment rights by making unlawful arrests in the park. The Court explained that prior case law, “demonstrates that a reasonable officer in St. Paul could have believed that the Fourth Amendment did not require a probable cause determination with respect to each individual in a large and potentially riotous group before making arrests.” The Court then stated that “it was reasonable, therefore, for an officer to believe that the group, as a whole, was committing one or more offenses under state law, including third degree riot and unlawful assembly.” The Court concluded that the officers were entitled to qualified immunity for the seizures.

The Court then addressed Plaintiffs’ claims that officers violated their Fourth Amendment rights by using excessive force. Plaintiffs focused their claims on Sergeant Henry, who was the lead sergeant in Team 36. Henry had testified that he used various non-lethal munitions at the Shepard and Jackson intersection and that his deployment of these munitions implicitly authorized the officers under his command to do the same. The

Court held that Sergeant Henry was entitled to qualified immunity. The Court reasoned that the circumstances of the incident led officers to believe that the protestors were going to penetrate police lines and gain access to downtown St. Paul. In light of these circumstances, “Henry’s use and authorization to use non-lethal munitions to direct the crowd away from the intersection and toward a park where the crowd could be controlled did not violate clearly established rights.”

Martinez v. Smith, 2017 U.S. Dist. LEXIS 50451 (D. Ariz. Mar. 31, 2017).

On March 29, 2014, riots occurred in Tucson, Arizona, after the Arizona Wildcats basketball team lost in the elite eight of the NCAA tournament. On the night of the riots, Officer Smith and Sergeant Humphries were working on the Tucson Police Department’s SWAT team. Officer Smith was assigned as grenadier and had an Arwen “less lethal system,” while Sergeant Humphries supervised the grenadier squad. When the game ended, crowds spilled from the bars into the streets, and the Plaintiff walked out to the front of the crowd where police had already assembled in a line in riot gear. Plaintiff was very animated and was running in and out of the crowd and the space between the police and the crowd. At one point, Plaintiff climbed on the bumper of a police car which officers were using to announce a dispersal order, faced the crowd, and raised his arms in the air. Once Plaintiff ran back towards the front of the crowd, Sergeant Humphries gave Officer Smith permission to safely engage Plaintiff. Officer Smith then shot Plaintiff from a distance of 30-40 feet with one Arwen projectile that struck Plaintiff on the front of his left leg, two inches above his knee. Plaintiff was eventually arrested by officers and subsequently filed a lawsuit against the officers where he claimed that the use of the Arwen projectile against him during the riot constituted excessive force.

The Court found in favor of the officers because the Plaintiff had failed to establish that the officers violated a clearly established right. The Court stated that no reasonable juror could conclude that Plaintiff was not posing a risk to

officers and others. The Court then highlighted the facts which the officers knew and noted the generally dangerous conditions of the overall riots. The Court then detailed Plaintiff’s own actions, which included the following: Plaintiff was jumping and dancing in front of the crowd; Plaintiff jumped on the police car and stood on it; when Plaintiff got off the police car, he fled from Sergeant Humphries and ran back into the crowd; at the time Plaintiff was shot with the Arwen projectile, he was again standing in front of the crowd with his arms outstretched. Accordingly, Plaintiff’s argument that force was unjustified because he was not posing a threat was rejected by the Court.

The Court also stated that “existing precedent would not have informed every reasonable official that shooting Martinez in the leg with nonlethal force would violate Martinez’s Fourth Amendment right to be free from excessive force.” Moreover, the Court then explained that in fact, “several cases have upheld the use of nonlethal force where individual crowd members openly defied police orders or directly harmed the officers.”

The Court therefore concluded that Sergeant Humphries and Officer Smith were entitled to qualified immunity.

Black Lives Matter Seattle-King Cty. v. City of Seattle, 2020 U.S. Dist. LEXIS 103346 (W.D. Wash. Jun. 12, 2020).

In response to the death of George Floyd on May 25, 2020, protests began in Seattle on May 29, 2020. These protests have been largely peaceful, but in some instances violence has occurred. Plaintiffs have sued the City of Seattle alleging that the City has violated their rights by deploying, “‘less lethal’ weapons including ‘chemical irritants, batons, kinetic impact projectiles, and weapons intended to stun with light and sound.’” The chemical irritants deployed included tear gas and OC spray. Plaintiffs alleged that the use of these less-lethal weapons have deprived them of their right to protest and their right to be free from excessive force. Soon after filing the complaint, Plaintiffs moved for a temporary restraining order (TRO)

seeking to enjoin the City from deploying chemical irritants and projectiles such as flash bangs and pepper balls.

The Court granted the Plaintiffs' motion for a TRO and thus temporarily enjoined the City from "employing chemical irritants or projectiles of any kind against persons peacefully engaging in protests or demonstrations." The Court further specified the order as follows: "This injunction includes: (1) any chemical irritant such as and including CS Gas ("tear gas") and OC spray ("pepper spray") and (2) any projectile such as and including flash-bang grenades, "pepper balls," "blast balls," rubber bullets and foam-tip projectiles."

The Court then added that the Order "does not preclude individual officers from taking necessary, reasonable, proportional, and targeted action to protect against a specific imminent threat of physical harm to themselves or identifiable others or to respond to specific acts of violence or destruction of property."

Further, the Court ordered that, "tear gas may be used only if (a) efforts to subdue a threat by using alternative crowd measures, including pepper spray, as permitted by this paragraph, have been exhausted and ineffective and (b) SPD's Chief of Police has determined that use of tear gas is the only reasonable alternative available. The Chief of Police may only authorize limited and targeted use of tear gas and must direct it to those causing violent or potentially life-threatening activity."

Lastly, the Court ordered the following: "To the extent that chemical irritants or projectiles are used in accordance with this paragraph, they shall not be deployed indiscriminately into a crowd and to the extent reasonably possible, they should be targeted at the specific imminent threat of physical harm to themselves or identifiable others or to respond to specific acts of violence or destruction of property."

Don't Shoot Portland v. City of Portland, 2020 U.S. Dist. LEXIS 100801(D. Or. Jun. 9, 2020).

In another recent case, Plaintiffs Don't Shoot Portland have alleged that the Portland Police Bureau (PPB) violated their First and Fourth Amendment rights by using oleoresin capsicum "OC" and orthochlorobenzamalonitrile "CS" (collectively "tear gas") during protests in Portland, Oregon. Plaintiffs filed a motion for a temporary restraining order to enjoin Defendant from using tear gas as a crowd control tactic.

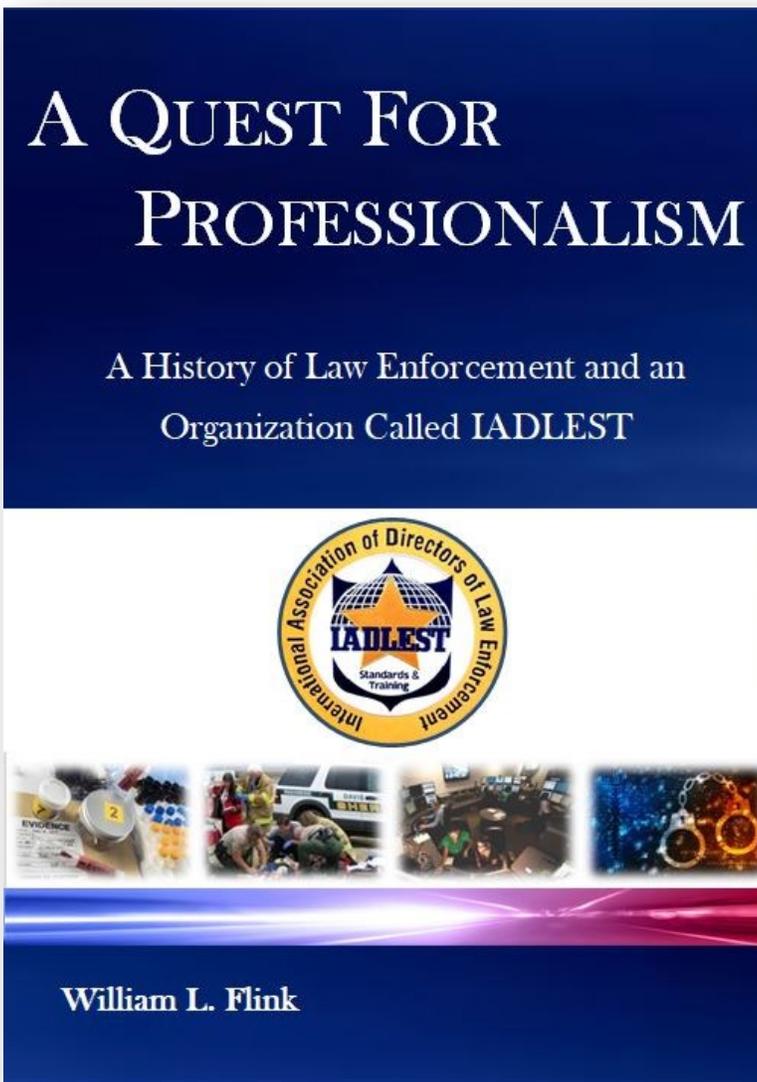
The Court noted that evidence indicated largely peaceful marches without police intervention, but that in some instances officers deployed tear gas in response to individuals shaking fencing and throwing projectiles. There were also instances of officers deploying tear gas after individuals, within a larger crowd of peaceful protestors, threw water bottles and fireworks. Other evidence indicated that officers used tear gas without warning or provocations. Plaintiffs also cited two instances where tear gas was used against crowds where the crowds did not have avenues of escape. Further, Plaintiffs claimed that tear gas was fired at individuals who were trying to comply with police orders to leave certain areas. Defendants have a policy entitled "Crowd Management/Crowd Control;" and on June 6, 2020, the Mayor enacted a further limitation of the use of tear gas which declared that "gas should not be used unless there is a serious and immediate threat to life safety, and there is no other viable alternative for dispersal."

After consideration, the Court granted Plaintiffs' Motion for a TRO and ordered the following: "That PPB be restricted from using tear gas or its equivalent except as provided by its own rules generally. In addition, tear gas use shall be limited to situations in which the lives or safety of the public or the police are at risk. This includes the lives and safety of those housed at the Justice Center. Tear gas shall not be used to disperse crowds where there is no or little risk of injury."

Coming Soon !

The book known as the IADLEST History Book.

More than two years in the making, “**A Quest For Professionalism**” is about to be released. Written with a view on law enforcement training, from the past to the present. This is not a storybook of how we wished things to have been in law enforcement history, but how it was when it was actually being developed for the people of the United States. Filled with interesting facts, collected from historical manuscripts and writings of the times, and capturing actual records and memories of the persons involved in the decision-making of IADLEST, the contents of this book will reveal the efforts of the primary law enforcement standards and training personnel and other police associations. Compiled as never before, this material has the means to change how historians, criminal justice academies and educators teach the history of law enforcement. The information contained within this book clarifies and corrects important details, and provides the important source information to support what has been written.



This book is a cumulative history of law enforcement events, leading up to and beyond the creation of state agencies of government that continue to oversee how we select and maintain law officers employed within our police and sheriff departments, and other public safety agencies. It emphasizes many of the activities that the states and federal government, as well as other associations undertook to raise awareness and execute programs that enhance public safety. It also renders, in one source document, the historical discussions and decisions of the International Association of Directors of Law Enforcement Standards and Training.

A Quest For Professionalism will be available through IADLEST before the end of Summer 2020. Members or the public wishing to purchase a copy of the book, are directed to contact: Yvonne Pfeifer, IADLEST Director of Operations, at Yvonne@iadlest.org or by calling 208-288-5941.

DDACTS 2.0 ENCOURAGES HIGH VISIBILITY ENGAGEMENT

by Peggy Schaefer, DDACTS Project Manager



IADLEST continuously revises and improves the Data-Driven Approaches to Crime & Traffic Safety (DDACTS) curriculum with each iteration. The workshops reflect the current events affecting the communities and police departments of the participants. To this end, the course and model have evolved into a sound, community policing strategy that focuses on the effective use of data to define and drive police deployment options.

Initially designed as high visibility enforcement (HVE) strategy, the DDACTS model has followed the sweeping changes throughout the U.S. and has pushed agencies to embrace a community-building approach. This strategy focuses on developing community trust and agency legitimacy by using proven, evidence-based methods. One of these established tactics is to continue to **engage** individuals in specific jurisdictional “hot spot” areas. In the past, the emphasis was on stopping a large volume of cars, for minor (registration and inspection stickers) and major (DWI, excessive speeding) violations. Officers were encouraged and sometimes required to document the stops by writing a traffic citation. In the past several years, this emphasis has switched to conducting vehicle stops on those exhibiting specific traffic safety dangerous behaviors and encouraging officers to get out of their patrol cars and speak with business owners, pedestrians, shoppers, etc., in the DDACTS designated areas. There are many positive ways police can **engage** the community to help deter crimes and crashes without angering the public and targeting specific racial and ethnic communities. Some of these are:

1. Meet with community members in the DDACTS zones to determine what types of

activities THEY want, and may even need, from the police.

2. Regularly get out of your car and meet with business owners in a positive way and ask them for a status report about what has been happening around them.
3. Use traffic safety signage and speed detectors to deter careless driving behavior.
4. Consistently look for traffic safety violations, e.g., speeding, DWI, erratic lane changing, distracted driving, and conduct traffic stops based on *reasonable suspicion*.
5. Gather driver’s information and issue the *least* enforcement oriented ticket, e.g., warning tickets, verbal warnings, etc.
6. When stopping a car, explain to the operator why this activity is happening specifically in the DDACTS zone and how they can help to reduce crashes and crime.
7. Complete Field Interview (FI) cards if practical from driver and passengers.
8. Engage pedestrian individuals in a non-confrontational, positive manner to determine who they are and what they are doing.
9. Speak with pedestrians and pass out flyers explaining the purpose of police presence in the hot spots.
10. Set up [“Coffee with a Cop”](#) sessions in the DDACTS zone.
11. Organize a [“Food Truck Friday”](#) event in the DDACTS zone and encourage community members to attend.
12. Attend and promote Crime Prevention & neighborhood Watch meetings
13. Organize community and school presentations with K-9 officers
14. Schedule a Red Cross Blood Drive in the area.

15. Coordinate Police /Youth interactions and programming.
16. Work with other government programs to help the homeless.
17. Share traffic stop and crash and crime reduction data with the affected community regularly, e.g., newspaper, Facebook, Twitter, and at community meetings.

Most of these **engagement** tips are easy to put in place. They should become the standard activities in a DDACTS zone, to also include other suggestions that community members can provide. DDACTS 2.0 isn't about the traffic ticket and high visibility enforcement; it's about creating positive interactions with your citizens and using high visibility **engagement** to achieve the critical goals of establishing trust and saving lives.



IADLEST'S NATIONAL CERTIFIED INSTRUCTOR UPDATE

by: William Flink, IADLEST Program Manager



The IADLEST National Certified Instructor (INCI) Program has a variety of subject matter experts who have focused their talents upon law enforcement training. They have increased our influence upon training excellence, and continue to make a positive impact upon the work of law enforcement officers. Notifications of National

Certified Instructor presentations are being sent to IADLEST Director Members and Regional Representatives within surrounding states where our INCI instructors make their presentations. These notifications can also be found within IADLEST's social media activities.

All of the IADLEST's Nationally Certified Instructors are highly recommended from their peers or IADLEST members. Their credentials include significant training and development experience and demonstrate their commitment towards improving criminal justice training and society. With that, we introduce some of our newest IADLEST Nationally Certified Instructors in this edition of the Newsletter, Mark Candies, Alana Williams, Robert Mann, John Shanks, Eddie Campa, and Ray Farris.



Mark Candies is a Captain with the St. Charles Parish Sheriff's Office, Luling, Louisiana, with 34-years of experience. He is currently assigned to the St. Charles Parish Regional Academy as the

Director of Training. Capt. Candies has previously served as a corrections officer, patrol officer, patrol supervisor, and watch commander in the uniform patrol division. He earned his Criminal Justice degree from Nicholls State University and is a graduate of the F.B.I. Instructor Development Course, and is a Master Instructor for the Louisiana P.O.S.T. Council, TASER Master Instructor for Axon International, Adjunct ALERRT Instructor, a Monadnock Defensive Tactics Senior Instructor for the Safariland Training Group. Captain Candies also has been certified as a Use of Force Analyst by the Force Science Institute. He is a Master Instructor and co-creator of I.M.P.A.S.E., an

active shooter planning and response course developed within his agency and presented nationally. His primary areas of expertise are Use of Force, Active Shooter Response, and Officer Survival.

Capt. Candies has been certified in Federal Court as an expert in Police Training Techniques; Police Use of Force; and Police Policy, Procedures, and Protocols. He has trained local, state, and federal law enforcement officers, in addition to nuclear security officers and U.S. Military personnel. Capt. Candies is a 2017 inductee to the Monadnock-Safariland Instructors Hall of Fame, and currently serves as President of the Louisiana Law Enforcement Academy Directors Association.



Alana Williams has over 10 years of experience in the criminal justice system, specializing in law enforcement and investigations. Ms. Williams served her community as a deputy sheriff

corporal for almost a decade before transitioning to teaching criminal justice classes. She has been a criminal justice instructor at her alma mater, Alabama State University, since 2013. Ms. Williams is an Alabama POST Instructor, sponsored by Montgomery Police Department (AL), and she has trained thousands of law enforcement personnel to include Police Chiefs and Sheriffs. She is also a business owner of J.A. Consultants and Training Solutions, where she provides professional development training to businesses, law enforcement agencies, and police academies. Her specialties

include addressing community relations and departmental subject matters such as "Women in Law Enforcement," "Law Enforcement Culture and Diversity," "Police and Community Relations," "Law Enforcement Contemporary Issues," and "Autism Awareness for First Responders." Ms. Williams has a Master's of Science degree in Criminal Justice from Faulkner University and a B.S. degree in Criminal Justice from Alabama State University. She has called Montgomery, Alabama, her home for many years.



Robert Mann

Robert Mann served his community for 25 years as a member of the Orange County Sheriff's Department; and prior to that, for six year

he served as a United States Marine. He now helps those serving in government to build upon their professionalism through providing professional development training. Robert has designed, developed, and delivered training across the full spectrum of professional development to include public speaking, communicating with tact and professionalism, time management, conflict management and resolution, trainer/instructor development, instructional design, strengths-based leaderships, mindfulness, and individual performance coaching to name just some. He is also part of the adjunct faculty at Santa Ana College where he teaches arrest and control techniques to recruits and advanced officers at the Orange County Sheriff's Academy.

Robert has leveraged his unique experiences working as a bomb technician to interweave practical problem solving into the training philosophy of all of the courses he has designed and developed, or that he teaches. In 2006, he was awarded the Orange County Sheriff's Department's Medal of Courage for his work as a bomb technician. Robert is currently the principal at Semperfi Professional Development, Inc. His company provides training solutions to both government and private organizations.



John Shanks is the National Director, Fight Crime: Invest in Kids, Police Training Institute at the Council for a Strong America. John started his law enforcement career with the United States Air

Force as a Law Enforcement Specialist, and served eight years at the USAF Joint Law Enforcement and Security Training Center at Lackland AFB, Texas. While in the USAF, John attended the Texas Peace Officer Training Academy at San Antonio College and earned his full commission as a Texas Peace Officer.

John taught basic and advanced law enforcement courses for the USAF and also was a SME and Master Instructor teaching Instructional Systems Development courses for the USAF. As a civilian law enforcement professional, he worked at the Hollywood Park Police and Hill Country Village Police Departments in San Antonio, Texas, as a patrol officer, detective/investigator, and sergeant. John taught at San Antonio College, Law Enforcement Training Center as the lead instructor for the basic peace

officer certification program and taught advanced courses in de-escalation, firearms, tactics and investigative techniques. John created a program to train members of the U.S. Armed Forces to become Texas Peace Officers. This remote training course was conducted on Lackland AFB and trained more than 200 airmen, marines, sailors, and soldiers who received their commission before discharge from the service.

John relocated to the Washington, D.C., area where he worked as the Director, Law Enforcement Relations at the National Law Enforcement Officers Memorial Fund and oversaw the fundraising campaign to build the National Law Enforcement Museum. In his current position, he led a team that created "Connecting Youth & Communities with Law Enforcement (CYCLE)," an innovative program to improve police and youth interactions, which is now funded by the DOJ COPS office. John's degrees include Criminal Justice and Instructional Technology and Military Science.



Jesus "Eddie" Campa maintains certification as both an IADLEST National and International Certified Instructor. His biography is displayed in the International Certified Instructor

pages of this newsletter.

He is currently serving as the Executive Director for the Council on Law Enforcement Education and Training for the State of Oklahoma and has been elected to the IADLEST Executive Committee.



Ray Farris retired as Assistant Director at the Tennessee Law Enforcement Training Academy with assignments overseeing basic cadet training, the Peace Officers

Standards and Training Commission (POST), and specialized training. He has over 30 years of service for the state of Tennessee, serving in a variety of positions. Ray has also served as Vice President of Bethel University and Vice President for Savant Learning Systems, a private higher educational and training company. He is also currently an Adjunct Faculty member in the Criminal Justice Program at Bethel University.

He received his Bachelor's of Science from Tennessee Technological University and Doctorate of Jurisprudence from the Nashville School of Law and is a graduate of the FBI National Academy (Session 265) and Police Staff and Command School at Northwestern University. Training certifications include: Criminal and Constitutional Law, Courtroom Security, Leadership, Internal Affairs, Firearms, and Emergency Vehicle Operations and many others.

He has lectured and taught at numerous national and state conferences including the International Association of Directors of Law Enforcement Standards and Training Conference, the National Association of Field Training Officers Conference, the North American Association of Wardens and Superintendents, the Oregon Sheriff's Jail Command Council, the Kentucky and Alabama Department of Corrections, the Tennessee Law Enforcement Training Officers Annual Conference, the Tennessee

Sheriff's Association, and the Tennessee Chiefs' Association to name a few.

IADLEST'S NEW INTERNATIONAL INSTRUCTOR CERTIFICATION FOR INTERNATIONAL TRAINERS

by: William Flink, IADLEST Program Manager



IADLEST's International Instructor Certification Program (IICI) is focused on providing those instructors from our international members and partners in foreign countries with a credential of excellence from a respected international source for law enforcement training and standards. The certification is also aimed at U.S. instructors who instruct criminal justice topics directed towards international training venues. The qualifications for the International Certified Instructor Program (IICI) are similar to the national instructor program; however, IADLEST has undertaken additional conditions ensuring the qualifications for this certification.

In the U.S. foreign contracting world, the IICI Program certification has been considered a law enforcement instructor "desired" qualification by at least one contracting company. IADLEST encourages U.S. law enforcement training or trainer contracting companies to consider the advantage of IADLEST International Instructor Certification may have on proposals for services to the U.S. Government and instructor qualification. We ask this for two reasons. One, because IADLEST has a reputation for providing quality services; two because IADLEST instructor certification provides employers with a second-review of an instructor's reputation and character for excellence in providing training.

All of the IADLEST certified instructors are highly recommended from their peers and IADLEST members. They all have significant training and development experience and are spending much of their careers improving the criminal justice training system.

In this edition of the IADLEST Newsletter, we are recognizing the following IADLEST International Certified Instructors:



Jesus "Eddie" Campa is an IADLEST International Certified Instructor and a National Certified Instructor. He is currently serving as the Executive Director for the Council on Law Enforcement Education and Training for the State of Oklahoma.

He was born and raised in El Paso, Texas. Director Campa has over 27 years of continuing law enforcement experience. He retired as the Chief Deputy of the El Paso County Sheriff's Office after a successful 20-year career. Director Campa went on to serve as the Chief of Police for the Ector County Independent School District in Odessa, Texas. He then went on to serve as the Chief of Police for the City of Marshall, Texas. His last tour as Chief of Police in a city impacted by racial divisions led him to create and implement the innovative No Colors No Labels Initiative designed to remove the preconceived notion that the Police were racially motivated. NCNL provided a safe community for all citizens. In 2017 Director Campa was named Dr. Martin Luther King, Jr., Humanitarian of the Year by the NAACP.

Director Campa believes in diversity and that a workforce should mirror the community they serve. Director Campa is a recognized national and international expert on leadership and the creator of the Leading through Adversity Leadership Course LLC. He is also a recognized national and international security expert and owner of Americas Best Strategic Security

Group, LLC.

Director Campa holds a master's degree in Criminal Justice and Security Administration and is currently working on a Ph.D. in Public Service Leadership. He is a strong supporter and believer of 21st Century Policing, Procedural Justice, and an active supporter of Prison Reform.



Uliks Gjonja holds both IADLEST International Instructor Certification and National Instructor Certification. He is the founder of Commando Defense Academy Swiss in

Switzerland. In this Academy, he trains law enforcement officers in the newest and most advanced programs of arrest and control techniques, self-defense, close combat tactical concepts, and psychology, as well as intelligence techniques. Mr. Gjonaj started his career in the United States where he started Special Service Protection training for security officers at Meridan, CT, where he is certified and licensed.

Since 2009, he started regular training activities in Israel where after tests and training, Mr. Gjonaj became certified as a Level 8 instructor of Commando Krav Maga Israeli Defense System. In 2013, Mr. Gjonaj was certified as an instructor of instructors in Police Combat Systems – LOCKUP training that took place in St. Cloud Police Department in Florida. He holds regular training sessions with U.S. SWAT, Sheriffs, State Troopers, etc., and is in regular contact with security subject matter experts. One year later, in 2014, Mr. Gjonaj attended advanced training for batons, handcuffs, and OC Spray; and he was certified as an instructor in Connecticut. In 2016, he was certified in the Ground Fighting – Lockup program in Manchester, CT. In 2017, after several training activities in Camp Riley, MN, Mr. Gjonaj was certified as an Advanced

Firearms Instructor. Also, in 2017, after numerous training activities in Las Vegas, Poland, and Israel in the anti-terrorism program, Mr. Gjonaj was certified as an instructor in this discipline. Moreover, in 2018, he was certified in CQB Tactical SWAT Team – Special Service Operations in Florida, USA. Mr. Gjonaj trains Police and Special Forces officers across Europe, and he has trained more than 12 NATO (KFOR) military contingents from the U.S. and Europe.



Alan C. Youngs retired as a Chief of Police after 33 years with the Lakewood Colorado Police Department, a suburb of Denver. He held command positions within every division of the department. He

is also a graduate of the FBI National Academy, 166th Session. He has earned a bachelor's degree in Political Science, a master's degree in Public Administration and a Law degree.

Mr. Youngs is a practicing attorney, defending police officers, municipalities and counties, and is a law enforcement expert witness in police policies, procedures, use of force, training, and police academies. He is a licensed member of the Washington, D.C., Bar, the Nebraska and Colorado United States District Courts, International Trade Court, Court of Appeals for the District, and U.S. Supreme Court. He is a member of the American Bar Association Rule of Law Committee, the American Immigration Lawyers Association, Federal Litigation Committee, and is Vice-President of the Americans for Effective Law Enforcement (AELE), a certified Litigation Specialist, and a member of the AELE Board of Directors.

Mr. Youngs has been a Police Advisor to the U.S. Department of Justice, U.S.A.I.D., and U.S. State Department. He has worked as a Police Advisor to the Program Director in El Salvador,

the Dominican Republic, Honduras, Paraguay, and Peru. He has provided technical assistance with the development of curriculum, training courses, procedural manuals, anti-corruption training, and best practices consistent with democratic principles of policing. He speaks both English and Spanish languages.

For the past 15 years, Mr. Youngs has been a police practice consultant providing court-appointed expertise in police agency Federal District Court Consent Decrees. Expert in applying Constitutional Standards, State Law, policy and practice to police incidents. He instructs courses on police use of force, internal affairs, and discipline. He frequently performs police management assessments on staffing, operations, policy, auditing, investigations, and training. His experience includes deposition and trial testimony. Areas of police practice expertise include:

Mr. Youngs has been a consultant for Dyn-Corp International. He conducted audits and inspections in Israel, Jordan and Palestine, which included recommendations regarding the security and base operations for the Jordan International Police Training Center (JIPTC). He also helped conduct management audits of 51 law enforcement agencies in the United States, the Middle East, the Caribbean, and South and Central America.

He has lectured for the International Association of Chiefs of Police (IACP), the Dallas Crime Commission, the Institute for Law Enforcement Administration, the FBI Academy, the World Future Society, the Colorado, Connecticut, Illinois, Michigan and Northern California Chiefs of Police Associations, the Dallas, Tulsa, Pennsylvania State Police, and Mexico City Police Academies.

He is a Colorado Police Officer Standards and Training Instructor, an Adjunct Professor of Criminal Justice at Rio Salado College and Red Rocks Community College, and was the former Director of the Red Rock Police Officers Standards and Training (POST), Certified Police Academy. In the past, he has

been an Adjunct Professor at the University of Colorado, Ottawa University, Remington College, Metropolitan State College, the University of Phoenix, and Penn State University. He has also reviewed class materials for the University of Notre Dame, pertaining to the future of law enforcement, and is a published author of 15 articles on law enforcement.

Mr. Youngs is member of the International Association of Chiefs of Police (IACP) Investigative Operations Committee and the IACP Professional Standards Committee. He is a certified instructor by the Institute for the Prevention of In-Custody Deaths, Inc., for the recognition of Excited Delirium and Agitated Chaotic episodes. He is also certified in Fraud Prevention.



Mike Wilson has a broad range of experience, which began with the U.S. Army's 7th Special Forces Group, where he served as the Senior Demolition Sergeant on Special Forces Operational

Detachment A-765. After leaving Special Forces in 1978, Mike worked for the Winston-Salem Police Department in Winston-Salem, NC, where he served as a uniformed patrol officer, a vice and narcotics detective, and as a full-time member of the Department's SWAT Team. Mike was also the Department's primary Defensive Tactics Instructor from 1980 to 1987.

After earning a BA in Managerial Psychology, Mike became a Special Agent with the North Carolina State Bureau of Investigation (NCSBI). As a resident criminal agent, Mike conducted numerous homicide investigations along with police use-of-force, and anti-corruption investigations. Additionally, Mike has worked undercover drug and murder-for-hire investigations, and has participated in historical conspiracy cases with both State and Federal

Investigative Grand Juries. As the Lead Defensive Tactics Instructor for the Winston-Salem Police Department, and later for the North Carolina State Bureau of Investigation, Mike taught in-service and basic academies for both organizations. Mike also taught Officer Survival at the North Carolina Justice Academy. Mike retired as an Assistant Special Agent in-Charge and the State-wide Polygraph Coordinator for the SBI.

Following his retirement in 2004, Mike began working in international venues. Duty assignments included three deployments in Iraq where he served as the Team Leader for the Civilian Police Training Team Program's (CPATT) Executive Leadership Program and as a Senior Police Advisor and Deputy Bureau Chief to the Iraq's Ministry of Internal Affairs. Mike later worked as a Police Advisor for the U.S. State Department where he wrote the first nationally standardized criminal investigation curriculum for both Iraq and the Republic of Georgia. Mike also taught interview and interrogation techniques to anti-corruption investigators in the Republic of Moldova and introduced modern pre-test and post-test polygraph procedures to Moldova's polygraph examiners.

Most recently, Mike has returned to the NCSBI as a contracted Special Investigator where he conducts cold case homicide investigations. In addition to reviewing curriculum for IADLEST, Mike continues to work in Senegal, Rwanda, Ghana, Sri Lanka, and Jordan with the U.S. State Department's International Police Peacekeeping Operation's Support Team (IPPOS), where he conducts Pre-Deployment Training for United Nations Peacekeepers. While working with the IPPOS program, Mike has developed training programs in Countering Violent Extremism and Incident Command. As an Adjunct Instructor, Mike has taught courses in Crisis Intervention, Ethics and Community Relations, and Substance Abuse for the Guilford Technical Community College Associate's Degree Program in Jamestown, North Carolina. He has a Master of Justice Administration Degree from Methodist University.

WHY VirTra PURSUES NCP CERTIFICATION

*by: Emily Hatch, Marketing
Communications Specialist, VirTra*

As you may be aware, IADLEST offers a National Certification Program (NCP), which serves as a standard for police training. As such, the program sets a higher standard of training for training companies—such as VirTra—and vendors to provide quality education and training content to our law enforcement nationwide.

NCP certification standards meet and often exceed individual State certification requirements, ensuring training is accepted by all participating POST organizations for training credit.

For this reason and more, VirTra has been submitting V-VICTA™—Virtual Interactive Coursework Training Academy—curriculum for NCP certification. With the NCP seal proudly displayed on the front of each coursework, agencies know they are provided with content that has gone through a rigorous approval process and meets most POST standards.

In addition to providing quality training to officers, V-VICTA certified curriculum also saves agencies time and money. Think about how many department resources are spent researching and creating training, the time and money required to approve a single hour of curriculum.

Or consider the millions of dollars cities spend defending themselves or settling lawsuits due to lack of adequate training and police wrongdoings. Litigation fees, settlement fees and court-ordered payments can all be minimized with officers who are properly and adequately trained. Officers trained to react appropriately to a variety of situations are far less likely to find themselves involved in lawsuits due to alleged wrongdoing.

However, creating these materials is no easy task. When preparing to submit materials for certification, VirTra must meet a series of

general requirements, such as: extensive research, citations, having correct knowledge retention format, comprehensive testing materials, scoring rubric, pre-test, post-test, class evaluation forms and much more.

Once submitted, the curriculum is thoroughly reviewed and vetted by professionals in the field. Professionals some with Masters degrees in Instructional Design and Education Technology and years of real-world experience. Curriculum is then returned in a few weeks with any edits, comments and final approval or rejection. With approval comes a two-year certification and promise to our clients with the highest quality training.

To date, VirTra has submitted 17 V-VICTA courses through NCP with a total of 60+ hours. Our most recent certified curriculum was “Autism Awareness”, a combination of simulation training experience and interactive scenarios designed to help officers distinguish autistic behavior from those that mimic others, such as indicators for drug/alcohol use or deceptive behavior.

This curriculum was co-created through a partnership with SARRC—Southwest Autism Research & Resource Center—and utilizes their industry insight and expertise. Together, this partnership resulted in curriculum that helps mitigate the difficulties law enforcement face when encountering people who may be on the spectrum.

Other critical curriculum created for law enforcement include: Active Threat/Active Killer, Contact and Cover Concepts, High-Risk Vehicle Stop, Mental Illness for Contact Professionals, Tourniquet Application Under Threat and more. Each of these curricula are NCP certified, ensuring the highest quality for agencies that implement this curriculum into their training sessions.

Instructors can train well, knowing all content is up-to-date, certified and designed for maximum skill transfer.

LEGAL UPDATES



By: Bruce-Alan Barnard, JD, LLM

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United States v. Williams ***8thCIR 27FEB2020***

Key Phrases: Plain View Seizure, Emergency Exigency

Police in St. Louis responded to a 911 call reporting a burglary. When they arrived, they heard the home security siren and saw broken panes on the door windows. They also observed blood on the porch and a window shade through the broken glass. Police then entered the house to look for intruders or victims. As they were conducting this search that they referred to as a “protective sweep,” they found and seized a bag of white powder and other suspected drugs, drug paraphernalia, firearms, a security DVR system, a cell phone, and documents showing indicia of ownership. They then obtained a warrant and searched the DVR and found video evidence of the burglars. There were no people found in the house.

Williams, the resident of the house, was charged and convicted for the drugs and firearm found in the house. He sought to have the evidence suppressed, arguing the warrantless sweep of his home by the police was an unlawful search. He argued once the police entered and found no people inside, the “Fourth Amendment required them to leave.” Williams agreed that exigent circumstances permitted the initial entry into the house. Williams cited *Mincey v. Arizona*, 437 U.S. 385 (1978) for the proposition that when exigent circumstances have dissipated, the Fourth Amendment requires law enforcement to leave evidence they discovered during the sweep.

The Eighth Circuit disagreed, noting that:

“Nothing in that case requires officers to either immediately collect evidence while they are sweeping a house or leave evidence in the home following a protective sweep.” The Supreme Court in *Mincey* held the search was unconstitutional because it lasted for four days *after* the exigency had ended. In this case, the officers stayed for about an hour after they knew there was no one in the house to collect evidence they discovered *during* the protective sweep.

To read or download the full decision [CLICK HERE](#)

United States v. Bradley rdCIR 15MAY2020

Topic: "Custody" for Miranda Purposes

In February 2018, Pennsylvania State Trooper Johnson stopped Bradley for doing 75 mph in a 65-mph zone. When asked for his license, Bradley admitted that his license was suspended and informed the trooper that the car was rented. Trooper Johnson told Bradley, “I’m going to bring you back to my car” to see if “I can cut you a break.” After a brief hesitation, Bradley got out of his vehicle and went with Johnson to the police car. Johnson patted down Bradley for weapons and, finding none, the two got into the car, with Johnson in the driver’s seat and Bradley in the passenger seat. With a friendly demeanor, Johnson coaxed Bradley into admitting that he had just been sentenced to two and a half years in prison for “drugs.” After about 10 minutes, Trooper Johnson stated that he was going to give Bradley a warning ticket. Johnson later acknowledged that he would not have let Bradley leave and had, from the beginning, suspected criminal activity and had called for back-up. In response, Corporal Hoyer arrived. Trooper Johnson asked Bradley whether there were any guns, marijuana, large sums of U.S. currency, heroin, or cocaine in the car. Bradley denied having those items. Trooper Johnson asked again, with Hoyer standing next to Bradley. Flanked by state troopers, Bradley admitted he had cocaine. Trooper Johnson then recited the Miranda warnings. Trooper Johnson believed he had probable cause to search the vehicle. Bradley stated that “a lot” of cocaine

was in the trunk. About a kilo of cocaine in a backpack was lying in the trunk.

Bradley successfully moved to suppress his confession and the physical evidence discovered as a result of those statements. The District Court granted the motion to suppress Bradley's pre- and post-Miranda statements, as well as the evidence that was discovered in the vehicle as a result of those statements. The Court focused primarily on the admissibility of Bradley's statements: whether they were given as part of a custodial interrogation, and whether the post-Miranda statements were given voluntarily. It found that, at least from the time Corporal Hoyo arrived on the scene, Bradley was subjected to custodial interrogation, and that Bradley's post-Miranda statements were not voluntary.

The Third Circuit held that the voluntariness argument was not preserved on appeal and refused to address that issue. But the court vacated and remanded for the district court to decide whether supplementation of the record is needed to decide whether the cocaine would have been inevitably discovered during an inventory search, and, if so, whether police department policy sufficiently combined the scope of the officer's discretion in conducting the inventory search such that the search of the backpack, a closed container, would have been lawful.

Editor's Note: *Although the primary issue was not preserved properly for appellate review, this case provides us with an example of how important it is to know what constitutes custody for Miranda purposes. In this case, the officer had already decided to arrest the defendant and the statements regarding "cutting him a break" and giving him "a warning" were a ruse to gain cooperation. As a FLETC Instructor, I was often asked: When should I Mirandize someone during a traffic stop? As a general rule of thumb, I recommend that if you are about to ask an incriminating question and no matter what the answer is you are going to arrest the person, it's a good idea to Mirandize them. That "rule of thumb" would have worked very well in this case.*

To read or download the full decision, click [READ THE CASE](#)

Jones v. Clark County 6thCIR 18MAY2020

Key Phrases: Brady Violation, Discovery Obligations, Exculpatory Evidence

In October 2013, Lexington police tracked the source of a child pornography video to a Clark County Internet Protocol (IP) address. Deputy Murray obtained a subpoena and identified Jones as the subscriber associated with the IP address. Murray secured a search warrant for Jones' address, noting that Jones was not yet a "suspect" and did not necessarily have "possession" of devices connected to child pornography. Murray and others executed the warrant and seized devices. Jones was the only one present in the house. After completing the search, officers took him to the Sheriff's Office. Several officers later acknowledged that they knew an individual's IP address could be hacked by a third party. After Jones was indicted, Murray received forensic testing results that failed to yield a copy of the pornographic video. The facts are unclear whether the prosecutors or Jones' public defender were informed about the negative results of the forensic testing, and the prosecution continued. In November 2014, the defense commissioned a forensic analysis of Jones' phone and tablet that also found no evidence of child pornography. Unlike the government report, it reported that there was no evidence that Jones ever used a peer-to-peer file-sharing program. After spending 14 months in jail pending trial, the charges were dismissed by the state. Jones sought damages under 42 U.S.C. 1983. The district court granted the defendant's summary judgment. The Sixth Circuit reversed with respect to qualified immunity for Deputy Murray but otherwise affirmed. While there was probable cause for Jones' initial arrest, Deputy Murray knew by January 2014 that there was no evidence of child pornography on Jones' devices. Because there is a factual dispute as to whether Murray informed the prosecutors of these results, a genuine issue exists as to whether Murray "knowingly or recklessly" withheld exculpatory evidence.

To download or read the full decision [CLICK HERE](#)

Editor's Note: I am reluctant to comment on cases that are still pending like this one, but there is a very important lesson here for criminal investigators regardless of the eventual outcome of this case. Exculpatory evidence is evidence that would suggest that the suspect did NOT commit the crime of which he is being accused. If during your investigation, you discover exculpatory evidence, you have a constitutional duty to disclose the existence of this exculpatory evidence to the prosecutor. You do not have an obligation to inform the defense attorney. That is the prosecutor's responsibility; and if the prosecutor fails to disclose exculpatory evidence, it is on them. But, as a criminal investigator, if you fail to notify the prosecutor of the existence of such evidence ... it's on you!

New Hampshire v. Perez New Hampshire Supreme Court 15MAY2020

Key Phrases: Traffic Stop, Extended Stop, Duration, Reasonable Suspicion

Police officers observed Perez driving a rental car with Colorado license plates, and he was tailgating a tractor-trailer. Perez also twice failed to properly signal as he changed lanes to pass the truck. In addition, the officer observed three cell phones in the passenger seat, and smelled the odor of fresh or burnt marijuana emanating from the passenger compartment. Small amounts of marijuana have been decriminalized in New Hampshire. After checking defendant's identification, the officer learned Perez was on parole for murder, and there were no active warrants for his arrest. The officer inquired further as to what they were doing in Portsmouth because it was close to 11 at night, and the defendant responded by telling the trooper that he could search his car. The trooper found this response suspicious because the trooper had not previously mentioned searching the vehicle. From this search, the officer discovered two

small plastic bags containing drugs. Perez was convicted by jury on two counts of possessing a controlled drug with the intent to distribute.

On appeal, Perez argued the Superior Court erred in denying his motion to suppress evidence seized pursuant to a search of his rental car following a motor vehicle stop. Defendant argued in his motion to suppress evidence that the officer did not have a reasonable, articulable suspicion to expand the scope of the initial stop, his questioning impermissibly prolonged the detention and changed its fundamental nature., and the subsequent consent to search the vehicle was "tainted" by this unconstitutional detention.

The New Hampshire Supreme Court disagreed with the defendant's contentions and affirmed the conviction. The court first noted that although "the possession of a small amount of marijuana is now no longer criminal" in New Hampshire, the odor of marijuana "may serve as a basis for a reasonable suspicion that activities involving marijuana, that are indeed criminal, are underway," when considered among the totality of circumstances. The court agreed with the trial court that the odor of marijuana; the tardiness of the stop; "the nervous and odd behavior of the passengers"; the extra cell phone; the fact that the vehicle was rented; and the defendant's criminal record, combined to create a reasonable, articulable suspicion of drug activity at the point in time he was asked to step out of the vehicle.

To download or read the full decision [CLICK HERE](#)

Editor's Note: New Hampshire is one of a number of states that require reasonable suspicion before ordering a driver to exit a vehicle. Although this is not a Fourth Amendment requirement (see Pennsylvania v. Mimms) many states have made this a requirement under state law. In this type of scenario, the reasonable suspicion to order the person out is dispositive of the issue of the reasonable suspicion needed to extend the Traffic Stop into a Terry Stop.

Kern v. Wyoming Wyoming Supreme Court 14MAY2020

Key Phrases: K9, K9 Sniff, Free-Air Sniff

Officer Lucus noticed a blue vehicle, later identified as belonging to Mr. Kern, that matched the description of a car that had been involved in potential drug transactions. Officer Lucus followed the vehicle to the Sundance Lounge. Kern parked his car in a parking lot and was on his way into a bar when Officer Lucus approached him and asked if they could talk. Kern agreed. While they were talking, two other officers arrived at the scene. Officer Lucus asked Kern if he had proof of insurance. When Kern could not locate his proof of insurance, Officer Lucus wrote a "no insurance" citation. In the meantime, the other officers retrieved a K-9 named Lord to perform a free-air sniff of Kern's vehicle. After Lord alerted to the smell of drugs Officer Lucus searched the vehicle and found methamphetamine. On appeal, Defendant conceded that his encounter with Officer Lucus began as consensual but asserted that the encounter changed to an unlawful investigatory detention when Officer Lucus requested proof of insurance. The Supreme Court affirmed the judgment of the district court convicting Defendant of possession with intent to deliver a controlled substance, holding that the district court did not err in denying Defendant's motion to suppress. The Supreme Court affirmed without deciding the issue of whether the consensual stop turned into an unlawful detention when the officer asked for proof of insurance. The court held that K-9 Lord's free-air sniff was lawful whether Defendant was free to leave or not.

To download or read the full decision [CLICK HERE](#)

Editor's Note: *This case presents an interesting set of facts because the initial encounter did not start with a traffic stop. Since the car was parked in a parking lot, the free-air sniff (which was not a search under the Fourth Amendment) was not predicated upon a lawful seizure of the vehicle. Even if demanding proof of insurance unlawfully converted the consensual encounter*

into a detention, it had no bearing on the fact the car was parked in the public parking lot and K9 Lord alerted. It was two related but separate Fourth Amendment events.

Colorado v. Clark Colorado Supreme Court 11MAY 2020

Key Phrases: Custody, Miranda

Firefighters were dispatched to a grocery store in Durango, Colorado, to address a fire inside the store. They determined the fire had been set intentionally, and requested police department assistance. Based on review of security camera footage, police pinpointed the suspect who walked from the area of the fire to the self-checkout lines. At his residence, detectives in plain clothes, and one officer in uniform, discussed Clark's whereabouts through the door. They asked Clark if he would be willing to discuss his whereabouts outside; Clark acquiesced, wishing to avoid alarming his wife and children. Notwithstanding prior statements that he knew nothing about the incident: Clark said that he knew about the fire because he had read about it on the internet and that he and his wife had "joked about it." Having heard Clark contradict himself a number of times, Detective Newman told Clark that there were video cameras in the store and that based on the footage, Clark was the suspect. While Detective Newman spoke with Clark outside, the other officers searched the home. Detective Newman testified that he did not place Clark in handcuffs while the two were talking, nor did he put any other kind of restraints on Clark or otherwise limit Clark's movement. The detective further testified he did not give Clark a Miranda advisement, stating that once Clark was under arrest, he did not question Clark further. Clark pleaded not guilty, resulting in the motion to suppress at issue here. The State sought interlocutory review of a trial court decision finding Bradley Clark was in custody so as to trigger "Miranda" when he made statements to law enforcement during the execution of a search warrant prior to his formal arrest. The trial court granted Clark's motion to suppress the statements. The Colorado Supreme Court

determined Clark was not in custody for Miranda purposes when the detective questioned him outside his home regarding the fire that occurred at the grocery store and reversed the decision of the lower court.

To download or read the full decision [CLICK HERE](#)

United States v. Evans

11th CIR 6MAY2020

Topic: Exigent Circumstances - Emergency Exigency

Police in Homestead, Florida, responded to multiple 911 calls reporting shots were fired in Keystone Village. When they arrived at the Evans' home, his girlfriend was outside with her two small children. She tells the officers that Evans had threatened to shoot himself and had stormed out of the house. At that point she had heard gunshots fired and she went outside with her children. After he fired the shots, Evans went back into the house, but his girlfriend talked him back outside. Evans locked the door when he came out.

When the police arrived, they saw four shell casing on the driveway. One officer was positioned by a window and heard noises like footsteps and someone crying or whimpering inside the house. Concerned that there was someone in the house in need of assistance, the officers forced entry (Evans had told them he did not have the key). The officers conducted a sweep looking for victims that took approximately five minutes. During the sweep they noticed two firearms in a closet. As it turned out, the source of the footsteps and whimpering were from a couple of dogs that were inside the house.

Based on the observation of the two firearms and the fact Evans was a convicted felon, the officers obtained a search warrant. Upon executing the search warrant, they found two more firearms and ammunition. Evans was charged with federal felon in possession of a firearm violations. Evans sought to have all of

the evidence suppressed based on an unlawful entry into the home arguing the officers should have known it was a dog whimpering since his girlfriend told them it was the dogs and that no one was in the house. The court disagreed. Citing the Supreme Court decision Michigan v. Fisher (as well as 11th Circuit cases), the court held that under a totality of the circumstances a reasonable officer could have believed that an immediate search was necessary to safeguard potential victims. They did not have to believe what they were told by Evans' girlfriend as "final and conclusive."

To read or download the full decision, click to [READ THE CASE](#)

Idaho v. Blythe IDAHO SUPREME COURT 4MAY2020

Topic: Search incident to arrest cannot come before probable cause exists to make an arrest.

Nicholas Blythe appealed after he was convicted of possessing a controlled substance. He conditionally pled guilty, reserving the right to challenge his sentence. On appeal, he argued the district court erred in denying his motion to suppress certain evidence found because the evidence presented at trial was found in violation of Blythe's Fourth Amendment rights. After review, the Idaho Supreme Court determined the search at issue took place before an arrest occurred; and because no rationale justifying a search incident to arrest was sufficiently present here, the search of Blythe's shoes was not a valid search incident to arrest. Therefore, the district court erred in holding that the search was reasonable under the Fourth Amendment. Blythe's conviction was vacated, the district court order denying Blythe's motion to suppress was reversed, and the matter remanded for further proceedings.

To read or download the full decision, [CLICK HERE](#)

United States v. Yang 9thCIR 4MAY2020

Topic: No REP in Historical Location Data and Lack of Standing

The defendant moved to suppress the evidence seized from his residence and the statements he made to law enforcement on the basis that the search warrant obtained by the Postal Inspection Service relied on evidence that was obtained illegally. The court held that defendant does not have a reasonable expectation of privacy in the historical location data of the Yukon under the facts of this case. The court also found no evidence in the record that Prestige Motors had a policy or practice of allowing lessees to keep cars beyond the rental period, and Prestige had made affirmative attempts to repossess the vehicle by activating the GPS unit to locate and disable the vehicle. Therefore, defendant lacked standing to challenge the warrantless search of the database. The Ninth Circuit affirmed the district court's denial of defendant's motion to suppress.

Editor's Note: The panel declined to address the potential Fourth Amendment privacy interests that may be implicated by the warrantless use of this Automatic License Plate Recognition (ALPR) technology. This is another MOSAIC type argument.

To read or download the full decision, [CLICK HERE](#)

United States v. Howell 7thCIR 4MAY2020

Topic: Facts did not support a finding of reasonable suspicion that the defendant was presently armed and dangerous to support a Terry Frisk.

Chicago Police officers responded to an anonymous call reporting a Hispanic man in a black sweater and black hat, carrying a bag, and climbing under a warehouse fence. They found someone who matched the description. After stopping and frisking him, they determined he was not engaged in any crime. Howell, walking toward the police, was white and wearing a

black jacket and dark hat. When an officer approached to speak to him, Howell did not answer, looked panicked, and put his hands in his pockets. The officer patted Howell down and found a gun in his jacket. Howell was charged as a prohibited person. At trial, Howell unsuccessfully moved to suppress the gun. The Seventh Circuit reversed the denial of his suppression motion and vacated his conviction for possessing that gun. Viewing the pretrial record as a whole, the police lacked reasonable suspicion to frisk Howell. The court did not reverse Howell's conviction on a second gun charge that resulted from the execution of a warrant to search Howell's apartment three months after the initial stop and the ensuing discovery of more guns and ammunition.

To read or download the full decision, [CLICK HERE](#)

State v. Ellis NORTH CAROLINA SUPREME COURT 1MAY2020

Topic: Flipping off a police officer is protected by the First Amendment and is not obstructing justice.

While assisting a stranded motorist, the officer turned his attention to another car traveling on the roadway, a white SUV. Defendant had his arm outside the passenger window and gestured with his middle finger, making an up-and-down motion. Believing that the defendant was committing the crime of disorderly conduct, the officer pursued and then stopped the SUV. The North Carolina Supreme Court reversed the decision of the trial court's denial of defendant's motion to suppress evidence, holding that there was no reasonable suspicion to justify the law enforcement officer's stop when defendant signaled with his middle finger from the passenger side window of a moving vehicle, holding that the specific, articulable facts did not establish reasonable suspicion of the crime of disorderly conduct.

To read or download the full decision [CLICK HERE](#)

United States v. Neugin
10thCIR 1MAY2020

Topic: Community Caretaking Exception did not apply to warrantless search of a vehicle.

Officers responded to a reported verbal altercation between Neugin and his girlfriend. One of the officers saw ammunition in the back of the truck after he lifted the truck's camper lid without asking for consent to allow the girlfriend to retrieve her belongings. Neugin argued the officers discovered the evidence during an unconstitutional search since he had not given consent and was made to stand away. The district court concluded the officer was acting "in a lawful position" as "community caretaker," and found no Fourth Amendment violation. The Tenth Circuit reversed, finding that : (1) the officer conducted the without a warrant or probable cause, (2) the community caretaking exception to the search warrant requirement does not apply, and (3) the inevitable discovery exception to the exclusionary rule does not apply. The evidence seized should have been suppressed.

To read or download the full decision, [CLICK HERE](#)

Coke v. Colorado **COLORADO SUPREME COURT 27APR2020**

Topic: Lack of particularity in a warrant to search cell phone improperly authorized general search.

Defendant Pamela Coke was charged with sexual assault on a child. The prosecution filed this interlocutory appeal of the trial court's order suppressing: (1) evidence obtained from Coke's cell phone, and (2) certain statements she made to the police before her formal arrest. After review, the Colorado Supreme Court affirmed that portion of the trial court's order suppressing the evidence from Coke's cell phone, but reversed the portion suppressing her statements. The Court determined the warrant at issue in this case contained no particularity as to the alleged victim or to the time period during which the

assault allegedly occurred. "Rather, it permitted the officers to search all texts, videos, pictures, contact lists, phone records, and any data that showed ownership or possession. We conclude that such broad authorization violates the particularity demanded by the Fourth Amendment." Because the warrant authorized a general search of Coke's phone, it was also unreasonable under the Fourth Amendment. The matter was remanded for further proceedings.

To read or download the full decision, [CLICK HERE](#)

United States v. Rees **7thCIR 30APR2020**

Topic: Probable Cause existed to support warrant and Good Faith Exception applied to the exclusionary rule.

An FBI Child Exploitation Task Force Officer was investigating the sharing of child pornography through online, peer-to-peer networks (P2P). His investigation led him to believe child pornography would be found in the college apartment, house, and pickup truck of 40-year-old Rees. Seeking warrants, the officer gave a magistrate a 17-page probable-cause affidavit, describing his training and experience, methods for tracking child pornography on peer-to-peer networks, and the specific investigation that steered him toward Rees's residences and vehicle. When officers executed the warrants, they found thousands of still images and nearly 200 videos of child pornography on Rees's computer. Charged with receiving and possessing child pornography, Rees unsuccessfully moved to suppress the evidence. The Seventh Circuit affirmed holding the warrant-issuing judge had a substantial basis for concluding that there was a fair probability evidence of child-pornography crimes would be uncovered in the searches. Furthermore, even if the warrants were invalid, the officers executed the warrants in good faith so the Good Faith Exception to the exclusionary rule would apply.

To read or download the full decision, [CLICK HERE](#)

Siler v. City of Kenosha 7thCIR 30APR2020

Topic: The use of deadly force was objectively reasonable.

Kenosha Wisconsin police officer Torres was on patrol when he received a call requesting assistance in apprehending Siler. The dispatcher stated that Siler was wanted on a warrant for strangulation and suffocation, had taken a vehicle without consent, and was known to have violent tendencies. Siler did not actually have a warrant for strangulation and suffocation: he was wanted for violating probation. When Torres spotted Siler, he activated his lights and siren. Siler did not stop, resulting in a three-minute chase. Siler crashed his car and fled on foot. Torres followed him to an auto body shop. Bystanders indicated that Siler was in the back room. Siler again attempted to flee. Torres blocked the exit. Within seconds Torres and Siler were on opposite sides of an SUV and began to move in “cat and mouse” fashion. Torres pointed his service revolver at Siler, ordering him to the ground. Siler responded, “fuck you” and “shoot me.” Siler bent over and, when he stood up, Torres saw a black cylindrical object pressed against Siler’s forearm. Torres yelled “drop it.” Siler responded, “fuck you,” “no,” and “shoot me.” Torres still could not see Siler’s hands. Eventually, Torres fired his gun seven times successively. Siler died from gunshot wounds. In a suit under 42 U.S.C. 1983 by Siler’s estate, the Seventh Circuit affirmed summary judgment in favor of Torres, citing qualified immunity. Officer Torres’s actions were objectively reasonable.

To read or download the full decision, [CLICK HERE](#)

US v Garcia-Garcia 8thCIR 29APR2020

Topic: Consent to search not invalidated by the language barrier.

The Eighth Circuit affirmed the district court's denial of defendant's motion to dismiss after he pleaded guilty to one count of possession with intent to distribute heroin. The court held that

the record supported the district court's conclusion that the defendant voluntarily consented to the search of his suitcase. Examining the totality of the circumstances, the district court did not clearly err in finding that a reasonable officer would have believed the defendant understood that the officer requested to search his suitcase. Although the officer's Spanish may have been imperfect, the context of the interaction and defendant's response means it was not clearly erroneous to find that a reasonable officer would believe the defendant understood the officer's request. Furthermore, the relative ease with which the officer and defendant communicated using the translation application further supports the district court's finding that it was reasonable for the officer to believe the defendant consented. Finally, the court held that the district court did not clearly err in finding that the video indicates that the officer clarified any confusion that may have existed as to the meaning of his request. In this context, a reasonable officer would expect a person to understand the question “¿permitame?”, or “May I?”, as requesting consent to search the suitcase.

To read or download the full decision, [CLICK HERE](#)

Goffin v. Ashcraft 8thCIR 24APR2020

Topic: Qualified Immunity granted for right not being clearly established.

Based on a report by the burglary victim, who was Goffin’s uncle, Officer Ashcraft tried to arrest Goffin for burglary and stealing handguns, bullets, and prescription pain medication. Before the arrest, several witnesses told Ashcraft that Goffin was armed, possibly intoxicated, and dangerous. When Goffin broke free from arrest, fled toward a group of bystanders, and moved as though he was reaching into his waistband, Ashcraft shot him once in the back. Goffin claimed that he was patted down by another officer (Officer Hines) just before he fled. The pat-down revealed nothing as the officer failed to discover that Goffin was carrying a loaded magazine and extra bullets. Officer Hines claims that Goffin fled before he completed the pat-

down. Stolen guns were discovered within reach of where Goffin had been sitting in a car, but Goffin did not have a weapon on him.

Focusing on the second prong of the qualified immunity analysis, the Eighth Circuit affirmed summary judgment for the officers because it was not clearly established at the time of the shooting that a pat-down that removes nothing from a suspect eliminates an officer's probable cause that the suspect poses a threat of serious physical harm.

To read or download the full decision, [CLICK HERE](#)

***Pennsylvania v. Trahey* Pennsylvania Supreme Court 22 APR 2020**

Topic: No exigent circumstances existed to justify a warrantless blood draw of DUI suspect.

The trial court granted Timothy Trahey's motion to suppress the results of a blood test that revealed his blood alcohol concentration, finding no justification for the investigating officers' failure to obtain a search warrant before conducting the test. On the Commonwealth's appeal, the Superior Court reversed, opining that the Commonwealth's evidence sufficiently established the existence of exigent circumstances, thus excusing the absence of a warrant. The Pennsylvania Supreme Court reversed, finding that while the exigency analysis is an objective one, "even disregarding the officers' subjective motivations, or their candid acknowledgment that they would have obtained a search warrant if they thought it necessary, there was no time-sensitive need to conduct a warrantless blood test under the circumstances of this case. Accordingly, the Superior Court's conclusion that the test was justified by exigent circumstances was drawn in error."

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***United States v. Ferebee* 4thCIR 22APR2020**

Topic: No REP in backpack in the possession of a person disavowing ownership.

The Fourth Circuit affirmed the denial of defendant's motion to suppress evidence recovered from a backpack, and the district court's conclusion that the defendant abandoned the backpack and any legitimate expectation of privacy in its contents. The court rejected the defendant's claim that the collective-knowledge doctrine has any bearing on the propriety of the district court's conclusion that the defendant abandoned the backpack. The court also held that the district court is not precluded from finding abandonment in cases where the defendant, as here, has physical possession of the property he has disavowed. In this case, the record supported the district court's conclusion that the defendant clearly and unequivocally disavowed ownership of the backpack.

Even if the district court erred by finding that defendant abandoned the backpack, reversal would not be required because the search of the backpack was a proper search incident to arrest for which no warrant was required under the facts of this case.

To read or download the full decision, [CLICK HERE](#)

***Lund v. City of Rockford* 7thCIR 20APR2020**

Topic: Probable cause to arrest defeats a claim of retaliatory arrest in violation of the First Amendment.

Lund, a reporter for the Rockford Scanner, was listening to a police scanner and heard of multiple traffic stops in Midtown. He did not have a driver's license, so he rode a motorized bicycle to Midtown to take photographs. An officer noticed Lund and radioed the team. Officers Welsh and Campbell knew of Lund's previous anti-police speech. They directed Lund to "move on." Lund asked if he was breaking

any laws. Campbell informed him that he was not, but that his continued presence would constitute obstruction of a police detail and result in arrest. Lund started his bicycle and called out, loudly, “goodbye officers.” Concerned that Lund might post pictures on social media while the sting operation was ongoing and create a danger for unarmed undercover officers, the officers followed Lund and arrested him for driving the wrong way on a one-way street, operating a vehicle without insurance, obstructing a police officer, felony aggravated driving on a revoked license, and operating a motor vehicle without a valid drivers’ license.

The charges against Lund were dismissed. Lund sued the officers and the city under 42 U.S.C. 1983. The Seventh Circuit affirmed summary judgment for the defendants on First Amendment retaliation and malicious prosecution under Illinois law, citing the United States Supreme Court’s ruling in *Nieves* holding, that, in most cases, probable cause to arrest defeats a claim of retaliatory arrest. In this case, there was probable cause to arrest Lund.

To read or download the full decision, [CLICK HERE](#)

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About the author: IADLEST member Bruce-Alan Barnard, JD, LLM [bruce@broadcast.blue] is a former federal prosecutor and retired FLETC Legal Instructor who has trained over 30,000 state, local, tribal, and federal law enforcement officers across the country over the last 20 years. He received his law degree from the

University of Florida and advanced law degree from the University of Alabama. He is a subject matter expert in the legal aspects of law enforcement, specializing in search and seizure law and electronic surveillance law. Bruce-Alan provides weekly updates on cases that impact the legal aspects of law enforcement by hosting the weekly podcast “Broadcast Blue” at www.broadcast.blue

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THE REID TECHNIQUE TIPS ON YOUTUBE

by: Joseph P. Buckley, John E. Reid and Associates

John E. Reid and Associates announced a new Youtube page: [The Reid Technique Tips](#) and have currently posted nine brief video presentations for officers’ review. We will be adding new programs in the coming weeks. The programs we have posted run from 2:30 minutes to 5:00 minutes, and address the following issues:

- Description of the Reid Technique
- The Core Principles of the Reid Technique
- Best Practices
- What is the Non-Confrontational Approach?
- Interrogation Issues: Guilt Presumptive Approach, Privacy, and the Purpose of an Interrogation
- Minimization and Contamination
- Is it permissible to lie to a suspect about evidence?
- The Reid technique for Patrol Officers
- The Reid Technique for Telephone Investigative Interviews

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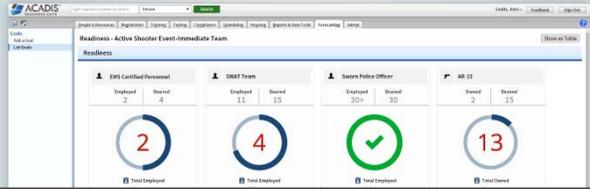
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John E. Reid and Associates provides training programs on investigative interviewing and interrogation techniques, as well as seminars on specialized techniques for the investigation of child abuse cases. We have also produced an APP and several online training programs, a variety of audio and video training programs, as well as several books designed to enhance the investigator's interviewing skills. Visit www.reid.com for details.

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LEADING THE NATIONAL DISCUSSION ON POLICING

Lewis “Von” Kliem, MCI, JD, LLM

As our nation continues to wrestle with police reform, many Americans are eager to join the conversation. What they are finding is that understanding and fairly judging police practices is not easy. Those of you with careers in criminal justice are likely fielding calls from friends and family wanting to know the difference between *carotid restraints* and *respiratory restraints*—two terms you are certain they didn’t know a week ago.

Not surprisingly, experts at the Force Science Institute have also seen a rapid increase in requests for information and interviews; certainly from friends and family, but more consistently from police executives, attorneys, legislators, and the media. The range of topics has been impressive; and, more often than not, the questions seem to come from an honest attempt to understand policing.

Getting Oriented for many callers, including the journalists, talking with researchers, doctors, or attorneys who specialize in police practices and human performance is a first. They find the topics are more complex than they initially thought but are relieved to learn that research, training, and articles have been aimed at these topics for years—even those they believed were “novel” or “controversial.”

To help journalists prepare for interviews, we offer relevant articles from Force Science News. In fact, with rare exception, we have been able to provide multiple articles on each subject. One exception has been the “fear-based” training hypothesis. We are not aware of any research on “fear-based” training, but we did confirm our unequivocal support for “reality-based” training.

For those hoping to understand the evolution of evidence-based training, we have been directing them to our Force Science News library. The free library holds well over 400 articles, dating back 15 years. It contains summaries and expert commentary for high-profile events, equipment development, civil and criminal cases, and, of

course, human performance research. Although it was not the intent of the publication, the library serves to show where the profession has been, where it has grown, and where it has stood the test of time.

For those wanting a more detailed look at Force Science research, we have provided links on our website to each of our 27 peer-reviewed studies.

Hot Topic: Excited Delirium: If your experience is like ours, many of you may find that the topics people most want to discuss are topics we view as important but not particularly “novel” or “controversial.” Even so, some topics have simply captured the public’s attention.

One such topic that continues to resurface is *excited delirium*. For those not familiar with excited delirium, the American Medical Association notes:

Excited delirium is a widely accepted entity in forensic pathology and is cited by medical examiners to explain the sudden in-custody death of individuals who are combative and in a highly agitated state. Excited delirium is broadly defined as a state of agitation, excitability, paranoia, aggression, and apparent immunity to pain, often associated with stimulant use and certain psychiatric disorders*

Despite medical cases documenting this phenomenon for over 150 years, critics continue to describe excited delirium as a controversial syndrome “invented” to absolve officers from excessive force. It is easy to imagine the confusion felt by those entering these discussions for the first time, especially if the conversation comes in the wake of an in-custody death that has left families broken and departments scrambling to understand the cause.

For those who have approached us on the excited delirium issue, we avoid commenting on any specific case. Instead, we explain the public safety purpose behind excited delirium training, direct callers to our relevant articles, and expose the vulnerability of the critics’ arguments.

The “Pseudo-science” of Excited Delirium?

There seems to be a predictable strategy shared by those hoping to resurrect the excited delirium debate. First, they will note that the term is not found in the International Classification of Diseases and is, therefore, not relied on by the American Medical Association. Next, they will add that the diagnosis is not used by the American Psychiatric Association. Finally, if a targeted organization uses the term *excited delirium*, the critics will conclude the organization is advancing “pseudo-science” and imply the organization shouldn’t be believed - on this or any other issue.

Ironically, the “pseudo-science” attack continues to backfire on critics and media outlets, signaling their bias or incompetence. That’s because *excited delirium syndrome* has been recognized by the National Association of Medical Examiners and the American College of Emergency Physicians since 2009. Although medical experts might debate the primary cause of death in a specific case, neither the syndrome nor its most commonly associated symptoms are controversial.

Critics who attempt to undermine police credibility by attacking *excited delirium*, find themselves on the exact wrong side of their community’s interests. Excited delirium training is not limited to post-incident investigations and evidence collection. Force Science also conducts excited delirium training in the context of de-escalation courses, where officers learn to adjust their communication, persuasion, and de-escalation strategies while assessing the possibility of a medical crisis.

Even so, post-incident investigations and on-scene de-escalation are not the primary goals of excited delirium education. The driving purpose of “excited delirium” training is to save lives. Officers properly trained to recognize excited delirium as a potentially fatal medical condition, are also more likely to practice arrest and restraint techniques that mitigate the risk to the patient. They are more likely to have planned, trained, and initiated a cooperative emergency response with dispatchers, emergency medical services, and hospital emergency staff.

Far from pseudo-science, excited delirium response training is recognized as a law enforcement best-practice by Lexipol, the International Association of Chiefs of Police, the Institute for the Prevention of In-Custody Deaths, and the Force Science Institute.

Preparing for the Next Chapter:

Many of you have trained, mentored, and supervised police. Your friends, families, and communities will undoubtedly benefit from your unique insights into the challenges facing our nation. Force Science graduates, more than ever, have the opportunity to share the impact that human performance research has on police practices.

During these coming weeks and months, it is almost certain that you will be confronted by those who sincerely view the police (and those who support them) as the problem. Use of force training and education is increasingly viewed as the product of fear-based, warrior training. The irony is that prior to any use of force, your training and education is precisely what led to the tactics and strategies that allow you to reduce the need for force or avoid it altogether.

Those honestly committed to transparency and procedural justice will have to admit that the expertise of highly trained investigators is what enables your agencies, courts, and communities to fairly assess the judgment and conduct of those involved.

Force Science will continue to lead discussions with government and community leaders across the nation. Reach out to us with questions or just for a sanity check.

If our full-time staff can’t answer your questions, we have an instructor staff that includes medical doctors, Ph.D. psychologists, litigation attorneys, public policy attorneys with advanced law degrees, and trainers with extensive law enforcement, research, and expert witness experience. The combined accomplishments of our affiliated researchers and instructors include over 400 research articles and several textbooks. Email us your questions.

Often we can respond right away and frequently we will have someone call you.

There are hard conversations ahead between our police, government leaders, and communities. Many of you will be in the middle of them. Let us know how we can help as we all lead local and national discussions on policing.

* See REPORT 6 OF THE COUNCIL ON SCIENCE AND PUBLIC HEALTH (A-09), Use of Tasers® by Law Enforcement Agencies (Reference Committee D), at <https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/about-ama/councils/Council%20Reports/council-on-science-public-health/a09-csaph-tasers.pdf>

**ACEP Excited Delirium Task Force White Paper Report on Excited Delirium Syndrome, September 10, 2009, last accessed on June 24, 2020, at https://www.prisonlegalnews.org/media/publications/acep_report_on_excited_delirium_syndrome_sept_2009.pdf



About the author: Lewis “Von” Kliem has nearly 30 years in the criminal justice profession, Von worked as a civilian police officer, attorney, educator, and author. Von is an senior attorney for Lexipol, the executive editor of the Force Science News, and is co-owner of Von Kliem

Consulting, LLC, where he trains and consults on constitutional policing, use of force analysis, crisis communications, and trauma-informed interviewing.

About the Force Science Institute: The Force Science Institute (FSI) was launched in 2004 by Executive Director Bill Lewinski, PhD, who has a doctorate in police psychology. FSI conducts sophisticated scientific research studies in human behavior to document the physical and mental dynamics of life-threatening events, including officer-involved shootings. Its findings impact officer training and safety and the public's perceptions of police use of force.

For more information, visit www.forcescience.org. If you would benefit from receiving updates on FSI's findings, as well as a variety of other law enforcement-related articles, visit www.forcescience.org/news/ and click on “Subscribe Now” link. Subscriptions are free.



EMBRACING RESPONSIBILITY... WELL, SORT OF -

by: Mark G. Bodanza

I am fully convinced many of you are tasked with far more responsibility than you may be able to handle well. In full transparency, we have all found ourselves wearing more “hats” than we could significantly maintain. Here is one way to assess how you are doing with the administration of all your titles.

It was once believed that you could keep throwing tasks and titles at your best, and most productive workers, and it would “all work out.” However, truly assessing the productiveness of the “over-titled” person has been challenged.* In most cases, the courts have been the ones to highlight the significant liability of an overtasked employee, which none of our agencies can afford to find out. I think we would all rather assess the roles, responsibilities, and liabilities without the courts help.**

Just because you have an employee who can, “get the job done” does not mean that you should continue to task them with the all the projects. In fact, the imbalance, even if the employee is eager, can open you and the agency up to significant liabilities. Not to mention, it can burn out even the best of workers.

With this in mind, we are concerned about the entire workforce and their entire life. This means we must assess the employee’s responsibilities in light of the work/life balance that has gained tremendous attention with this present generation. When considering roles and responsibilities, we also consider the employee’s desires outside of the workplace: considerations may include time off, professional, and personnel growth and commitments. Yes, there is a significant challenge for every leader in this “balanced scorecard,” but ignoring these areas will only lead to frustrations down the road. In many cases, your most productive employee is this way because he or she has been well-rested, engaged, and remain curious because they are not “over-pressurized”. To avoid the pains of being perceived as discriminatory or biased you need to bring employee into the discussion.

They have a voice and they also are part of the overall plan. Give them some ownership of their career path with the agency.

In an effort to gain control of our roles and responsibilities, consider the following exercise:

Take out a piece of paper and list all of your "titles." You may start with "the boss," but don't forget about spouse/partner, parent, son/daughter, sibling, learner, and maybe teacher/instructor. I think you get the point. List everything. This will give you a true picture of your total responsibilities. It also may help to explain why you are so tired, frustrated, or even worn down.

After you have listed every title you own, write "Responsibility" at the top of the next column. With each role/title, you have responsibilities. You may wish to bullet point them out or use separate pieces of paper for each title. Take some time to consider these responsibilities because it will help when you complete the remaining columns. Ultimately, it will help you assess your overall health and liabilities.

After you have completed the second column, write "Authority" at the top of the third column. Authority is defined as "the power or right to give orders, make decisions, and enforce obedience." As you look at your responsibilities, what authority do you have to carry out those responsibilities? It is possible you, or your subordinates, are tasked with a title/role that they actually do not have the authority to carry out. Here is the "double-edged sword" of liability and needs assessment. We open ourselves, and the agency, up to liability when we give out responsibilities without proper training or authority. Have you tasked an officer with being a field trainer, but have never given them the training to do so? Have you ever told a subordinate to speak to the media when policy delegates that role only to the Chief? Be very careful not to set someone, or something, up for failure just because they "do a good job":this argument never stands the court's test of negligence.

The first three columns help you "grip" the roles and responsibilities you currently have. The last column in this exercise is the "growth" column. On the top of the fourth, and final column, write, "Evaluation". If you are tasked with something you do not have the authority to be in charge of, then put a plan together to change this or get rid of it (you have no business doing it in the first place). If you presently have too many roles, then assess your ability to delegate. If you would like to grow in a role that you're lacking strength, then set some S.M.A.R.T. goals to grow and fully commit to being a true leader in every area you have the responsibility.

After you have personally evaluated your roles and responsibilities, take it to your partner/spouse and have them complete their columns. You can also utilize this with your staff and develop your organization to be a healthier and more responsible organism. Be well and be safe!

If you would like to grow in a role that in which you lacking strength, then set some S.M.A.R.T. goals*** to grow and fully commit to be a true leader in every area you have the responsibility.

* Liz Ryan, "Ten ways very productive employees get punished, December 20, 2016, Forbes; <https://www.forbes.com/sites/lizryan/2016/12/20/ten-ways-productive-employees-get-punished/#ad0972347b9f>

** Supreme Court cases such as Oklahoma City v Tuttle, 471 US 808, (1985), Canton v Harris, 489 US 378 (1989), and Mercado v City of Orlando, 407 F.3rd 1152 (2005).

*** *Specific, Measurable, Achievable/Attainable, Relevant/Realistic, Timely*

About the Author: *Mark G. Bodanza is a 20 year police veteran in New Hampshire. He has fulfilled command roles in various agencies to include the Commandant of the New Hampshire Police Standards and Training Council. He holds a Master's degree in Religious Education and is a Pastor of a local Church in the Tri-State Area. He and his wife have seven children and run a small non-genetically modified poultry farm.*

**EXECUTIVE COMMITTEE
MEETING MINUTES
Sunday, February 9, 2020
Washington, DC**

CALL TO ORDER: Vice-President Brian Grisham (TN) called the meeting to order at 9:03 AM Eastern Standard Time on Sunday, February 9, 2020.

ROLL CALL: The roll of attendees was called by Secretary Stephanie Pederson (WI). There were nine Executive Committee members present:

First Vice-President Brian Grisham (TN)
Second Vice-President Erik Bourgerie (CO)
Immediate Past-President (and Second Past President (held the President position two years in a row) Dan Zivkovich (MA)
Treasurer Jesus “Eddie” Campa (OK)
Secretary Stephanie Pederson (WI)
Midwest Region Representative Chuck Gerhart (OK)
Northeast Region Representative Michael Wood (NY)
Southern Region Representative Steven Combs (NC) (via phone)
International Region Representative Gary Bullard (ICITAP)

Committee members absent:
President Kim Vickers (TX)
Central Region Representative Alex Payne (KY)
Western Region Representative Perry Johnson (MT)

There was a quorum to conduct business.

IADLEST Staff:
Executive Director – Mike Becar
Director of Operations – Yvonne Pfeifer
CRI-TAC Program Manager – Pam Cammarata
NLEARN Project Manager – Dan Setzer

ADDITIONS TO AGENDA: Vice-President Brian Grisham (TN) asked if there were any additions to the agenda. There were no additions.

- **Introduction of Guests:** Vice-President Brian Grisham (TN) introduced the following guests who gave presentations as summarized below:

Captain Jennifer D. Griffin
Delaware State Police
Troop 6 Commander

Captain Griffin provided an overview of the Federal Bureau of Investigation National Academy Associates (FBINAA) Resiliency training program. The goal of the program is to train trainers around the country so they can conduct resiliency training at their agencies and in their states. The program was created in May 2017 and was adapted from the military for law enforcement.

The program is broken into modules. Once officers are trained as trainers, they can use the program modules as they see fit for their agencies. They can teach as few modules as they want or as many modules as they want depending on their agencies needs. The training to become a trainer is three days long, and there are grants available through the FBINAA to attend the class.

Al Guarnieri
Special Agent
Federal Bureau of Investigation (FBI)

Special Agent Guarnieri wanted to let IADLEST know about the resources and trainings available by the FBI for all law enforcement. First, the FBI has the National Academy which is a ten-week course attended by law enforcement all over the world. Additionally, they have the National Executive Institute, and an International Executive Institute aimed at executive development. There is also a law enforcement Instructor Course which teaches law enforcement officers how to teach to other law enforcement officers.

Special Agent Guarnieri's office, the Office of Partner Engagement, which works with all law enforcement associations around the country, has an Executive Fellowship program. This is a six-month program for mid-level law enforcement. The officer works in different sections of the FBI to learn specifics for a certain area. The other program out of the Office of Partner Engagement is an active shooter program to provide advanced training to law enforcement on how to respond to active shooter events. For more information on these courses and more, go to <https://www.fbi.gov/>, click on the resources tab and go to the law enforcement tab from there.

APPROVAL OF EXECUTIVE COMMITTEE MINUTES

Vice-President Brian Grisham (TN) asked for a motion to approve the Executive Committee Meeting Minutes from October 27, 2019 (Chicago, IL). There was a **MOTION** by Mike Wood (NY) and a **SECOND** by Chuck Gerhart (OK) to approve the minutes. The **MOTION CARRIED**.

EXECUTIVE DIRECTOR'S BRIEFING

(Mike Becar): Executive Director Becar provided information on the following:

- **POST Director Changes:**
 - Richard Gauthier is retiring from the Vermont POST on May 29, 2020.
 - Nate Gove retired from the Minnesota POST, on January 7, 2020. The acting director is Erik Misselt
 - Jeffery Scott is no longer with the Ohio POST and the new director is Dwight Holcomb.
 - Tim Merrell, the interim director at the New Hampshire POST passed away; and the new interim director is David G. Parenteau.

- Major Troy Lokhaiser retired from the Pennsylvania POST at the end of January, and a new Major will be appointed.
- Wisconsin is interviewing candidates and hopes to hire a new director at the end of February.

- **IADLEST Partner Advisory Committee (IPAC) Approval:** Executive Director Becar forwarded a letter to the Executive Committee from Force Concepts. They would like to become an IPAC member. Executive Director Becar nominated Jon Blum of Force Concepts for a membership on IPAC.

Vice-President Brian Grisham asked the committee for a motion to approve Force Concepts as an IPAC member. There was a **MOTION** by Dan Zivkovich (MA) and a **SECOND** by Gary Bullard (International Criminal Investigative Training Assistance Program (ICITAP)) to approve Force Concepts' membership on IPAC. The **MOTION CARRIED**.

- **Academy Accreditation:** Virtual Academy designed and created some accreditation software and an interface for IADLEST at no cost. When an academy applies for accreditation, they post their policies and other documents using this interface and software. Mark Damitio then receives a notification that the documents are posted, and then he can review and make comments on the policies and documents online. There are currently a half a dozen academies in the United States and a couple of international academies going through the process. IADLEST completed the accreditation process for the Sarajevo Academy in January 2020.
- **New Grants**
 - IADLEST submitted a grant with the U.S. Embassy for a Greece Cultural

Exchange. This grant would pay for five individuals to attend the IADLEST Conference. The request is for \$26,427.92. Executive Director Becar has not heard anything back on this grant request.

- The Community Oriented Policing Services Office (COPS Office) awarded IADLEST grant funding to develop training considerations and standards around human trafficking with State POSTs. This grant is for \$80,000. The grant will help fund POST directors or their designees to attend their regional meeting to help develop these standards.
- **IADLEST Conference:** The annual conference is getting so large that it is too much for Director of Operations Yvonne Pfeifer to coordinate alone along with all her other duties. This year, IADLEST contracted with Eventive Group who will provide support for the vendors and sponsors who register for the conference. Eventive Group runs conferences for the FBINAA, California Police Chiefs' Association, FBI LEEDA, and California Oregon Retail Crimes Association. If Eventive Group works well with IADLEST at the conference in Texas, their role may expand to take on more responsibility at future conferences.
- **Federal Reciprocity Book:** Executive Director Becar said that he will distribute the Federal Reciprocity Book to all POST Directors once it is updated.
- **Email Listserv:** Executive Director Becar sees fewer responses to surveys and other questions sent out to the IADLEST membership. The networking within IADLEST is one of the biggest advantages of belonging to IADLEST. Executive Director Becar understands everyone receives a lot of emails every day and that sometimes emails are sent to junk mail folders, overlooked or not read or responded to.

To facilitate better networking, IADLEST is looking at a program called "Engage by Cell" which sends out text messages instead of emails. Studies show that 90% of texts are read within three minutes. The hope is that shorter messages sent in text form will increase the response rates. However, Executive Director Becar also does not want to overload members' text messages either. If anyone has any other suggestions to increase the response rate, please let Executive Director Becar know.

- **National Decertification Index (NDI):** Executive Director Becar forwarded an email to the Executive Committee from the Austin City Council to the Austin Police Department for review. The email pointed out that the Austin Police Department was not participating in the NDI program and encourages the office of Police Oversight, the Public Safety Commission, and the City Manager's Office to participate in ensuring that the Austin Police Department is aware of the free NDI program and uses it like other agencies across Texas.

Executive Director Becar shared this email to point out that not all agencies are aware that the NDI program is free and available to all law enforcement agencies in the United States. He believes that all agencies should participate in this program to prevent officers who are terminated or disciplined at one agency from being hired at another agency without knowing this information.

- **Social Media:** Executive Director Becar sent the Executive Committee a report from Miranda Fuller (Virtra) on IADLEST's social media usage. She has volunteered to publish social media for IADLEST and has done a tremendous job posting information on programs, events, training available, etc., on IADLEST's social media sites. Executive Director Becar asks that POSTs forward these postings out on their social media pages to help spread the information within each state.

- **Meeting Requests:** The COPS Office is hosting a Forum on Highway Interdiction. They want to develop training programs that can be used across the country but need subject matter experts to help develop these programs. They plan on meeting in early May in Salt Lake City. If anyone has any subject matter experts who would be interested in attending this forum, please forward those names and contact information to Executive Director Becar.

The Kay Foundation is going to host a Forum on 21st Century Policing. They would like to bring a group together to discuss what is continuing to be done based on recommendations in the President's Report on 21st Century Policing. If anyone is interested in attending this forum, contact Executive Director Becar.

- **Academy Innovation**

- IADLEST wants to apply for a COPS Office Award for Police Academy Innovations. The COPS Office is looking for an applicant to conduct a gap analysis of training academies to identify test innovations that better match training topics and modality. If anyone is interested in helping with this, please let Executive Director Becar know.
- Another grant IADLEST wants to apply for is to work on updating the Police Pursuit Manual. IADLEST will be reaching out to Alert, Al Liebno (MD), Travis Yates (Tulsa, OK), Mike Brady (Oswego, OR), and Joffrey Bush (PA SP), but IADLEST is also looking for EVOC experts to help revise this manual. If anyone has any subject matter experts who would be interested in helping revise this manual, please forward their name and contact information to Executive Director Becar.
- Executive Director Becar and Pam Cammarata reminded the Executive

Committee that the Collaborative Reform Initiative – Technical Assistance Center (CRI-TAC) is available to provide no-cost solutions for law enforcement, instructors, training academy directors, and POST directors. If you have any specific needs, contact them for assistance.

IADLEST TREASURER'S REPORT:

Treasurer Eddie Campa (OK) provided the following information. As of January 31, 2020:

Assets:	\$1,077,273.16
Liability:	<u>\$ 305,395.01</u>
Total Equity:	<u>\$ 771,878.15</u>

Vice-President Brian Grisham (TN) asked for a motion to approve the Treasurer's Report. There was a **MOTION** by Dan Zivkovich (MA) and a **SECOND** by Erik Bourgerie (CO) to approve the Treasurer's Report. The **MOTION CARRIED**.

CONFERENCE REPORT:

Yvonne Pfeifer reported that the 2020 conference will be in Fort Worth, Texas, from June 7-10, at the Omni Fort Worth (hotel) in Sundance Square. The room rate at the Omni is \$219 + tax per night. There will be a separate block for the international delegates.

Registration for the conference opened on January 7, 2020. As of February 6, 2020, there were 60 people registered for the conference. The fees for registrants and vendors are the same as last year. The vendor area is limited to 25 tables. Sixteen tables are already taken which leaves nine tables for vendors. IADLEST received \$26,000 in sponsorships so far.

The keynote speaker is Paul Butler (law enforcement and motivational speaker) and is being sponsored by Virtual Academy. He will be speaking about leadership for a lifetime. You can read more about Paul Butler at this website: <https://www.paul-butler.com/> There will be a welcome reception on Sunday, June 7,

sponsored by Envisage. There will be a main dinner and Special Olympics auction River Ranch Stockyards and will include long horn livestock.

The conference will be full days Monday and Tuesday, and until 3pm on Wednesday. Regional meetings at the 2020 conference will not be held at lunch. The regional meetings will be stand-alone meetings for 1 to 1½ hours. The trainer’s roundtable is going to be dropped as it has been poorly attended.

The 2021 IADLEST Conference will be held in Raleigh, North Carolina from June 6–9, 2021. Requests for hotel proposals have been sent out. In Milwaukee, Ohio had volunteered to host the 2022 conference; however, now that Jeff Scott is no longer their Director, they are not able to host in 2022. Erik Bourgerie (CO) said that Colorado was interested in hosting the 2022 conference in place of Ohio.

Vice-President Brian Grisham (TN) asked for a motion to approve Colorado hosting the 2022 conference in Denver. There was a **MOTION** by Dan Zivkovich (MA) and a **SECOND** by Stephanie Pederson (WI) to approve the 2022 conference in Denver, Colorado. The **MOTION CARRIED**.

ADMINISTRATIVE REVIEW OF CURRENT BUSINESS ITEMS

- **Social Media** (Mike Becar): This topic was covered during the Executive Director’s Report.
- **CRI-TAC** available to POST Agencies (Pam Cammarata, IADLEST): Pam Cammarata said that most information was covered in the Executive Director’s Report; however, she also passed out some post cards with information on CRI-TAC for the Executive Committee.

NEW BUSINESS

- **IADLEST Mission Statement** (Pam Cammarata, IADLEST): Executive Director Becar, Erik Bourgerie (CO), Chuck Gerhart (OK), and Mike Wood (NY) worked with Ms. Cammarata to update the IADLEST mission statement. Mike Wood (NY) read the revised mission statement to the Executive Committee. After a little discussion and wordsmithing by the Executive Committee, the final proposed version of the mission statement is:

IADLEST’s mission is to support the innovative development of professional standards in public safety through research, development, collaboration, and sharing of information to assist states and international partners with establishing effective and defensible standards for the employment and training of public safety personnel.

The revised version is simple, to the point, and conveys the same message as earlier (but wordier) versions. While the term “law enforcement” is included in IADLEST, and is used in the earlier mission statement, the Executive Committee supported the term “public safety” for the following reasons:

- Public safety includes corrections, which many POSTs are responsible for overseeing. Therefore, no need to call out “corrections personnel” as in the earlier mission statement.
- Similarly, most academies and POSTs certify peace officers who are from areas other than traditional law enforcement entities.
- IADLEST is in the public safety business, as it also certifies courses for fire fighters, EMS, Fire Marshals, parole and probation, etc.
- Much of what is expected of our peace officers today goes beyond the traditional law enforcement role; law enforcement is expected to do much more than just enforce laws.

Once approved by the Executive Committee, the mission statement will go before the General Membership at the next General Business meeting for a vote.

Vice President Brian Grisham (TN) asked for a motion to take the revised mission statement to the next General Business meeting for a vote by the General Membership. There was a **MOTION** by Dan Zivkovich (MA) and a **SECOND** by Eddie Campa (OK) to take the revised mission statement to the General Membership for a final vote. The **MOTION CARRIED**.

- **Federal Partner Committee Member** (Brian Grisham, TN) President:

At the Federal Partnership meeting on Saturday, February 8, 2020, the committee nominated a Federal Law Enforcement Training Center (FLETC) representative to be added as a non-voting member on the IADLEST Executive Committee. Going forward, the Executive Committee recommended that this position be reviewed annually, and that communication goes out to all Federal Partners about this position. Executive Director Becar said he would send out a group email letting all the Federal Partners know that FLETC will fill this role this year but that the position will be reconfirmed or re-nominated by the Federal Partner Committee and approved by the Executive Committee at the February meeting every year.

Vice-President Brian Grisham (TN) asked for a motion to approve FLETC as the non-voting Federal Partner representative to attend the Executive Committee this year with an annual confirmation for this position at the February Federal Partner Committee meeting. There was a **MOTION** by Erik Bourgerie (CO) and a **SECOND** by Steven Combs (NC) to approve FLETC as the Federal Partner that will be a non-voting representative on the Executive Committee. The **MOTION CARRIED**.

- **National Commission on Law Enforcement** (Brian Grisham, TN): Eric Bourgerie (CO), is serving on the Training and Recruitment/Retention committee for the National Commission on Law Enforcement.
- **IPAC Member Request** (Mike Becar, IADLEST): Jon Blume Force Concepts: This topic was covered in the Executive Director Report.

COMMITTEE AND SPECIAL ASSIGNMENT REPORTS

- **Consortium on Fighting Extremism** Chuck Gerhart (OK) represented IADLEST at the Consortium on Fighting Extremism and Hate on December 5, 2019, in Washington, DC. In the meeting they discussed the opportunities for extremism and hate, proper training to prevent and respond to extremism and hate, and the lack of data collection on incidents in the United States.

During the meeting, the Anti-Defamation League (ADL) offered to provide training organizations with training materials, research, training resources, and information on extremism and hate crimes. They also provide training. The consortium is also interested in what statutes states have regarding extremism and hate crimes, as well as any cases states have going through their court system.

The consortium is planning on creating a hate crimes checklist and training to improve the reporting and understanding of what constitutes a hate crime. The International Association of Chiefs of Police (IACP) has a good hate crimes policy and will help create the checklist. The ADL has offered to come to the conference and provide a training on resources, etc., or they can attend the regional meetings. The consortium wants to meet a few times a year

to work on these projects. The next meeting will be held in March or April.

– **IPAC Committee** (Pam Cammarata, IADLEST)

Ms. Cammarata provided a summary of items discussed at the IAPC meeting on Saturday, February 8, 2020. First, the IPAC members are going to develop a series of articles on science-based training. There will be five different articles or features in an e-book format including:

1. The history and relative theory of science-based training.
2. How to use the science of human learning and skills development.
3. How to sustain the science-based approach to training.
4. Online-based education to enhance training.
5. Measuring what matters and return on your investment in science-based training.

The e-book will be an IADLEST product; the IPAC logos will be displayed on the e-book; and all article authors will also be identified.

The IPAC committee also discussed ways to increase the IADLEST membership. The committee will target corporations and academy directors, major city chiefs, etc., using the IADLEST fact sheet and informational flyers that promote the benefits of being an IADLEST member.

Lastly, the IPAC committee discussed ways to promote the 2020 IADLEST Conference. Envisage volunteered to create a logo for the conference that IADLEST members can add to their email signature block to promote the conference. Additionally, a lot of IPAC members will have booths at the conference and are sponsoring different events throughout the conference. The IPAC committee will also meet with the Executive Committee on Sunday morning (June 7,

2020) the week of the conference from 10:00 am – 12:00 pm.

– **Personnel Committee** (Brian Grisham, TN)

There was a **MOTION** by Dan Zivkovich (MA) and a **SECOND** by Erik Bourgerie (CO) to go into an executive session to discuss compensation recommendations for Executive Director Becar and Director of Operations Pfeifer. The **MOTION CARRIED**.

There was a **MOTION** by Dan Zivkovich (MA) and a **SECOND** by Eddie Campa (OK) to come out of executive session. The **MOTION CARRIED**.

There was a **MOTION** by Dan Zivkovich (MA) and a **SECOND** by Erik Bourgerie (CO) to approve the Personnel Committee's compensation recommendations for Executive Director Mike Becar and Director of Operations Yvonne Pfeifer. The **MOTION CARRIED**.

– **Members Supporting Annual Conference** (Pam Cammarata, IADLEST): This topic was already discussed under the IPAC committee section earlier in the meeting.

– **Northeast Regional Report** (Mike Wood, NY)
Mike Wood is the Northeast Region representative and provided the following report:

REGIONAL REPORTS

– **Northeast Regional:**

New Jersey: New Jersey is more actively involved in IADLEST now. The New Jersey Attorney General published a directive to improve officer wellness across the state and includes conducting a train-the-trainer program, resiliency program, live well program and suicide prevention.

Maryland: They have a busy legislative session coming up, mostly focused on law enforcement transparency.

New York: New York continues to push a law enforcement accountability package. They will try and enact some of their processes, such as licensing, through their Council to ensure they happen regardless of the legislative decisions. New York had a big criminal justice reform happen this past year which they are working through and dominates much of their time.

- **Central Region** (Alex Payne, KY): The Central Region representative was not in attendance so no report was given.
- **Southern Region** (Steve Combs, NC): Steven Combs is the Southern Region representative and said that North Carolina is looking forward to hosting the conference in 2021. They have not had a regional meeting in a while, and he does not have anything to report from states in the region. The Southern Region is planning on holding a regional meeting in October 2020.
- **Midwest Region** (Chuck Gerhart, OK): Chuck Gerhart, the Midwest Region representative, did not ask the states in the Midwest Region for an update since their last meeting because at the last meeting they all reported nothing has changed in a while. They are planning on holding a regional meeting before the annual conference in Texas.
- **Western Region** (Perry Johnson, MT): The Western Region representative was not in attendance so no report was given.
- **International Region** (Gary Bullard, ICITAP): Gary Bullard is the International Region representative. ICITAP asked for 84 delegates from 13 countries to attend the conference in Texas. Nepal and the Ukraine asked for 12 delegates each. However, there will most likely be 70-75 international delegates at the conference in Texas. A

senior advisor in Panama has a strong interest in connecting with IADLEST, and El Salvador is interested in accreditation and help in setting up their academy standards.

ICITAP signed an agreement in November to help Saudi Arabia set up a new police force in the northwestern part of the country. Bill Flink will go there to support the academy. ICITAP also signed a second agreement to help the academy for their main police force. They would like help conducting Job Task Analyses (JTA) throughout the country. If anyone is interested in helping, please let Gary Bullard know.

Lastly, Gary Bullard will be stepping down from the International Regional Representative position, but ICITAP is recommending Joe Trindal as Gary Bullard's replacement. This transition will happen at the annual conference in Texas.

ADJOURNMENT: Having no other business to conduct, Vice-President Brian Grisham (TN) called for adjournment at 12:17 PM Eastern Standard Time. There was a **MOTION** by Stephanie Pederson (WI) and a **SECOND** by Mike Wood (NY) to adjourn. The **MOTION CARRIED**.

Next Executive Committee Meeting: June 7, 2020, in Fort Worth, Texas

**EXECUTIVE COMMITTEE
TELEPHONIC MEETING MINUTES
Monday, April 6, 2020
(Covid-19 Pandemic)**

CALL TO ORDER: President Kim Vickers (TX) called the meeting to order at 1:02 PM Eastern Standard Time on Monday, April 6, 2020.

ROLL CALL: The roll of attendees was called by Secretary Pederson (WI). There were ten Executive Committee members present:

President Kim Vickers (TX)
First Vice-President Brian Grisham (TN)
Second Vice-President Erik Bourgerie (CO)
Immediate Past-President Dan Zivkovich (MA)
Secretary Stephanie Pederson (WI)
Midwest Region Representative Chuck Gerhart (OK)
Northeast Region Representative Michael Wood (NY)
Southern Region Representative Steven Combs (NC)
Western Region Representative Perry Johnson (MT)
International Region Representative Gary Bullard (ICITAP)

Committee members absent:
Second Immediate Past-President Vacant
Treasurer Jesus "Eddie" Campa (OK)
Central Region Representative Alex Payne (KY)

There was a quorum to conduct business.

IADLEST Staff:
Executive Director – Mike Becar
Director of Operations – Yvonne Pfeifer
CRI TAC Program Manager – Pam Cammarata

2020 IADLEST CONFERENCE, FORT WORTH, TX JUNE 7-10, 2020:

The reason for this conference call was to discuss the status of the 2020 IADLEST Conference in Fort Worth, TX, from June 7-10, 2020, during the COVID-19 pandemic. President Vickers asked Director of Operations, Yvonne Pfeifer, and Executive Director Becar to provide an update on the conference and the logistics given the travel restrictions, stay-at-home orders, and other challenges members from the United States and the international

IADLEST delegates are facing during the pandemic.

Executive Director Becar said that when the COVID-19 pandemic began, he and Yvonne decided that they needed to have a contingency plan in place in case the pandemic caused travel restrictions and other disruptions leading up to or even during the conference. Yvonne contacted the hotel to determine what options IADLEST had to either postpone or cancel the conference. Executive Director Becar also had IADLEST's legal counsel look at the contract and give them some advice.

After working with the hotel on numerous options and as the pandemic worsened, the conference coordinator at the hotel finally agreed to let IADLEST postpone the conference until June 2021 without charging IADLEST any penalties or additional fees.

DISCUSSIONS ON MOVING CONFERENCE DATES:

One of the reasons IADLEST looked at postponing the conference until June 2021, is because all the other conferences booked at the same hotel this spring are rebooking for this fall. This limited IADLEST's options for dates this fall, and it is unknown what, if any, travel restrictions may still be in place for IADLEST members and the international delegates into the fall.

Postponing this year's conference until June 2021, will then postpone or cancel Raleigh, North Carolina, hosting the conference in June 2021. There are currently no set plans or signed contracts with any hotels for Raleigh, North Carolina. When asked if Raleigh, North Carolina could postpone for a year and host in 2022, Steven Combs said that due to retirements of the leadership in North Carolina in March 2022, he does not feel comfortable nominating North Carolina to host the conference in June 2022. Denver, Colorado was originally nominated for 2022 and said they could still host the

conference there in 2022. Therefore, the IADLEST conference will be in Fort Worth, Texas, in June 2021 and in Denver, Colorado, in 2022.

President Vickers called for a motion to postpone the dates for the June 7-10, 2020 IADLEST conference to June 13-16, 2021, in the same location (the Omni, Fort Worth, TX hotel). There was a **MOTION** by Brian Grisham (TN) and a **SECOND** by Gary Bullard (DC) to postpone the 2020 IADLEST conference. The **MOTION CARRIED**.

NOTE: Due to a conflict with those dates at the hotel, new dates were confirmed for May 23-26, 2021.

FINAL DECISION – NEXT STEPS

President Vickers raised the issue about what to do with the officer positions on the executive committee. Usually, the officers change positions at the general business meeting at the annual conference each year. This opens some positions for a general election as well. If IADLEST does not have the annual conference in 2020, the executive committee must decide what to do with those positions for the coming year. Executive Director Becar reminded the committee that there is no longer a general business meeting held at the October meeting held in conjunction with IACP (not enough members to form a quorum in the past so holding that meeting in October was discontinued last year).

After some discussion, the committee recommended that all executive committee officers remain in place for another year. Brian Grisham did not feel this would require a change in the bylaws and did not pose any legal issues. Brian Grisham also pointed out that there was a precedent set when Dan Zivkovich remained as President for a second year due to vacancies on the executive committee.

Chuck Gerhart will be retiring in May 2020 which will leave an opening for the regional representative in the mid-west region. President Vickers and Executive Director Becar said they can cover that position and find some way to get someone appointed until the next general business meeting is held at the June 2021, general business meeting.

Due to there being no general business meeting in 2020, President Vickers called for a motion to leave all executive committee officers in their current positions for one more year. There was a **MOTION** by Erik Bourgerie (CO) and a **SECOND** by Brian Grisham (TN) to leave all executive committee officers in their current position until June 2021. The **MOTION CARRIED**.

Yvonne Pfeifer asked Brian Grisham to help draft the letter to the Omni Hotel to postpone the conference. She will also put together a notice to send out to everyone registered for the conference and to the vendors about the change and she will ask the hotel if they can cancel all the rooms or if each person will have to cancel their own room reservation. She will include that information in the notification to everyone registered.

Additionally, Executive Director Becar has some bylaw changes for the general membership to vote on. He will consider some alternative way for the general membership to review those or vote on those. He and Brian Grisham will consider alternate ways to conduct the vote by the general membership. The concern is how to ensure there is a quorum for the vote.

Finally, Stephanie Pederson raised the question about collecting a mini report for 2020. The general feeling is that everyone's issue will be about COVID-19 and how it is affecting them at this time. The committee agreed that it would not be worth collecting those individual reports at this time.

ADJOURNMENT: Having no other business to conduct, President Vickers called for adjournment at 1:34 PM Eastern Standard Time. There was a **MOTION** by Erik Bourgerie (CO) and a **SECOND** by Brian Grisham (TN) to adjourn. The **MOTION CARRIED**

NATIONAL WHITE COLLAR CRIME CENTER (NW3C)

With normal day-to-day investigations continually changing due to COVID-19, NW3C has created an abundance of free resources for law enforcement to utilize during these times.

- **Training:**
 - [COVID-19: Global Pandemic Scams and Fraud](#)



- **On-Demand Webinars:**
 - [COVID-19 Considerations for Collecting and Handling Digital Evidence](#)
 - [Investigators, Examiners, and Analysts Working Remotely: Police and Prosecutor COVID-19 Challenges and Opportunities](#)
 - [Coronavirus: Fighting Scams and Fraud During a Global Pandemic](#)
- **Investigative Resources:**
 - [COVID-19 Evidence Handling Guidance](#)

Earn a professional certification!
NW3C now offers certifications! Using an innovative point system, NW3C awards professional certification based on points earned through your past education and work experience. Certifications can help you qualify

as a skilled fact or expert witness, distinguish yourself professionally, and obtain the next step in your career.

- Certified Economic Crime Forensic Examiner
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You only need 25 points! See [how points are calculated](#) and use the [Quick Check](#) tool to see how many points you already have. Learn more at www.nw3c.org.

About NW3C: NW3C, headquartered in Richmond, Virginia, provides a nationwide support system for law enforcement and regulatory agencies tasked with the prevention, investigation, and prosecution of economic and high-tech crime. In addition to delivering training in computer forensics, cyber and financial crime investigations, and intelligence analysis, NW3C offers technical support to agencies investigating and prosecuting economic and cyber crimes. To learn more, visit www.nw3c.org.

SKIDCAR/SIDBIKE

Dear IADLEST Members:

We are disappointed that the National Conference in Fort Worth, TX, was unable to take place. SKIDCAR SYSTEM, INC. representatives were looking forward to being there with our full line of Driver Training Technologies including the SKIDCAR, SKIDBIKE, ATSS Light System, Virtual Reality Desktop Driving Simulator from VRMC.



APEX Pro Digital
Driving Coach, and

As many of you are, we are resuming training events now that travel restrictions are being lifted. We all realize that in the coming months new realities in training will be realized. Training in the midst of a global pandemic will be difficult, and we are all looking at a long, but attainable, road ahead.

We also understand that the heavy investment in driver training will be challenged. Modern curriculum standards are needed to meet learning requirements for current model vehicles, as well as safe and effective driver training outcomes.

IADLEST has wisely been trying to acquire the funding to rewrite national EVOC standards for many years. The current standards are decades old, and updated requirements for driver training are desperately needed. Finding a budget to train with a 20-30 year old curriculum that doesn't meet the demands of today's training outcomes is inefficient. Further, it can't be financially justified for the number of behind-the-wheel hours most academies require.

This is our 30th year in the business of driver training for the public safety sector. We remain engaged and continually research in order to stay current with new safety technologies in vehicles and familiar with how they affect training and the outcomes on the streets. Our curriculum has been upgraded to include vehicle safety technology, while still reducing hours of expensive behind-the-wheel training. What took four hours to train a generation ago, now takes a quarter of the time to reach an effective, measurable lesson. Hours of driving in outdated vehicles with outdated curriculum is a very expensive and unnecessary way to comply with safety mandates.

Being able to achieve more with less is an ongoing challenge. Our technologies and curriculum offer solutions. We still believe in the basics of science and vehicle dynamics while simultaneously raising the bar for modern speed control, and teaching a new student population with little analog driving.

We have new SKIDCAR models that can be applied to larger SUVs like the Tahoe and Expedition. Currently, we even have a lightly used Tahoe SKIDCAR in stock and available.

Ask us how we can improve your EVOC program to be more efficient, more successful, and more effective for your budget.

Contact us today at 866-754-3227 or via email at info@skidcar.com.

**ENVISAGE
ADDS CASE MANAGEMENT FUNCTIONS
TO ACADIS READINESS SUITE**

by: Greg Ryhal, Envisage

Envisage Technologies, a leading provider of public safety training management systems, announces the addition of case management functions to the Acadis Readiness Suite. This will help agencies manage and track officer/employee cases that require investigation.

Running a successful public safety or training organization seems to become more complex every day. Agencies are looking for more detailed personnel management, career management, HR compliance management — the goals may be called by different names, but they all involve continuous monitoring and evaluation of personnel to make sure the right people are in the right jobs with the right training.

That is why the Acadis Readiness Suite now offers an integrated Case Management system, another tool to help monitor and measure readiness of each officer and provide early warning of possible personnel-related issues and concerns.

Case management also provides an additional level of protection for public safety agencies. At a time when litigation seems all but inevitable, it's more important than ever for agencies to have a single, streamlined method for maintaining legally defensible records about public safety personnel.

Acadis Case Management helps agencies add, track, and manage cases that may require formal investigation—including complaints, claims, and employee conduct—within the integrated database functionality of Acadis. Users with the appropriate rank can view, add to, delete, and edit cases as necessary, and update the status of cases in real time, with clearly visible status indicators that track ongoing progress at a glance. Each case record can also include relevant documentation, eliminating concerns about missing paperwork. In a matter of minutes, all records and information connected with a case can be reviewed thoroughly and efficiently.

Acadis Case Management eliminates the need for separate recordkeeping systems and consolidates information on a high security system framework, which is FedRAMP-authorized and FISMA & DHS 4300 compliant. It complements the existing Compliance, Performance Evaluations, and Training functions of the Acadis Readiness Suite by providing a clear methodology for following up on cases of noncompliance or poor performance, as well as other personnel issues.

FLORIDA SHERIFFS' ASSOCIATION TEEN DRIVER CHALLENGE

by: *Stephanie Ghazvini, Communications & Youth Services Coordinator*



In an effort to combat high crash and fatality rates of teen drivers, the Florida sheriffs came together to create the Florida Sheriffs' Association Teen Driver Challenge (TDC) in 2007. The TDC course is presented to students' ages 15 to 19, ideally with a 5-to-1 student-to-instructor ratio. The course prepares teens for everyday encounters they will face on the road. Licensed law enforcement instructors teach

defensive driving skills and techniques used by professionals to help reduce the chances of being involved in a motor vehicle accident. Today there are 40 counties with an active TDC Program, and over 2,100 students participate in the course each year.

With over 260 certified driving instructors, the Teen Driver Challenge Program continues to serve as the largest defensive driving school in the state of Florida. Our instructors' value their role and responsibility to provide our youth with the necessary skills and techniques that will decrease their chances of becoming victims of teen crashes or fatalities. In addition to learning these necessary skills, students get the opportunity to spend a day with sheriff deputies and experience that they are not just law enforcement professionals they are people, too. The relationship made between deputies and teens at a young age, during the TDC program has led to many stories of positive feedback.

Stephanie Ghazvini, Communications & Youth Services Coordinator (850) 877-2165 x. 5814



*“FLORIDA SHERIFFS ASSOCIATION
Protecting, Leading & Uniting Since 1893.”*





IADLEST National Certification Program Certified Courses

For more information, contact:
peggyschaefer@iadlest.org
<http://iadlest-ncp.org>

See a complete list of certified courses
here:
<https://iadlest-ncp.org/ncp-catalog/>



National Emergency Number Association Center Training Officer Course

6/11/2020

[Catalog Link](#)

Class: Classroom Length: 24 hours

In the PSAP, people are your most important resource. The NENA Center Training Officer (CTO) Program provides you with the proper framework to train your new employees, which leads to better performance and higher retention rates. This course covers proper documentation of performance, evaluation of performance, setting milestones, and developing a plan for trainee success. CTO software with the exclusive NENA Daily Observation Report template is provided by Agency360 Public Safety Software. This is a three-day course. In order to fully participate in daily assignments and activities, all students should bring a laptop with a USB port, Microsoft Office, and PDF reader software. There is no re-certification for this course. NENA members enjoy a discounted rate of \$399; and the course is available for outright, whole-course purchase at \$10,000.



Operation 2 Save Lives

5/27/2020

Establishing a Community Behavioral Health
Outreach Program

[Catalog Link](#)

Class: Classroom Length: 16 hours

This course is designed for executive-level law enforcement, public health and community

leaders. The course will prepare active and effective leaders in law enforcement, public health to develop a collaborative intervention program to reduce deaths and addiction. Our team is creating community collaboration and bringing all the stakeholders together for effectively addressing America's substance use crisis. This is how America heals. Discounts are available.

VirTra, Inc.

VirTra

Driving Simulator Curriculum: Emergency Vehicle Operation (E.V.O.)

[Catalog Link](#)

Class: Classroom Length: 24 hours

The training is designed to be used with the VirTra driving simulator. Whereas many of the techniques have been used over many years in law enforcement, this training plan maximizes training time and leverages the strengths of the VirTra Driver Training System (V-DTS). The simulation exercises and scenarios are used as a tool to facilitate the understanding of the concepts. The driving exercises will be progressive in nature. Student shall show competency of technique before additional dynamics are introduced.

5/20/2020

VirTra, Inc.

VirTra

Special Populations: Autism

[Catalog Link](#)

Class: Classroom Length: 2 hours

This course was created in partnership with the Southwest Autism Resource and Research Center. It is designed to provide law enforcement with the tools to recognize community members on a spectrum and better respond to their needs. This course includes dynamic simulation, simulation testing, and classroom follow-up to ensure long term transfer.

5/20/2020

PoliceOne Academy

PoliceOne Academy

COVID-19 for Law Enforcement

[Catalog Link](#)

Class: Online Length: 1 hour

The COVID-19 outbreak has led to uncertain times, with new information and protocols changing rapidly. To protect ourselves, others,

4/24/2020

and our cities, we must be prepared to quickly find reliable information and act accordingly. Law enforcement plays a crucial role, now more than ever. In this course, we will quickly examine how COVID-19 spreads and how to find the most up-to-date information.



Autism FYI Org

LEO Interactions with the Autism Spectrum Population

[Catalog Link](#)

Class: Online Length: 2 hours

Recognize characteristics of Autism and learn how to de-escalate, effectively communicate, and apply special considerations facilitating a safe outcome for all.

4/24/2020



Landing Zone Safety Organization

Helicopter Landing Zone Safety Course

[Catalog Link](#)

Class: Online Length: 2 hours

Welcome to the LZSO Scene Landing Zone Safety Course. You will learn everything you need to know about setting up a secure and safe landing zone and common emergencies.

2/21/2020