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DEADLY FORCE TRAINING PROJECT

INTERIM REPORT PART ONE

SEPTEMBER 15, 1986 TO SEPTEMBER 15, 1988





INTERIM REPORT

of the

DEADLY FORCE TRAINING PROJECT

PART ONE

As carried out under cooperative agreement between the Bureau of Justice Assistance of the Department of Justice and the International Association of Chiefs of Police

123523

U.S. Department of Justice National Institute of Justice

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DEADLY FORCE TRAINING PROJECT

a cooperative agreement with

THE BUREAU OF JUSTICE ASSISTANCE OF THE DEPARTMENT OF JUSTICE

and the

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

INTERIM REPORT

PART ONE

INTRODUCTION

This report is provided to give an accurate accounting of the project activities of program #86-SN-CX-K040, the Deadly Force Training Project, Part One. It is compiled chronologically, with products of the project appearing in sequence with the report, and as they were developed during project implementation. Part Two of the project began on September 16, 1988.

This report is intended to provide a responsible description of program activities, expenditures, and accomplishments in an effort to serve accountability, as well as to further establish justification for the program itself from a practical as well as an altruistic perspective. The report describes and validates the achievements of the Deadly Force Training Project in the following format:

- (a) The program is explained as it occurred and as described in the cooperative agreement, from Phase I through Phase III. As the program's progress is described, the various goals that were achieved will be delineated.
- (b) Validation in the form of participant evaluations, survey instruments, letters of commendation, and project products are inserted as evidence of the project's success.

THE REPORT

The Deadly Force Training Project began on September 15, 1986, and concluded on September 15, 1988. The overall purpose of the project was to develop a program that would provide workshops and technical assistance to police executives interested in developing, improving, and implementing good deadly force policy.

The project identified the following goals:

- (a) to enable participants to evaluate the adequacy of the deadly force policies, rules, and procedures of their agencies;
- (b) to provide the knowledge that participants need to develop new, or improve existing, deadly force policy, procedures, and rules that comprise all appropriate and essential elements;
- (c) to provide technical assistance to achieve the same goals as the knowledge transfer;
- (d) to influence participants to implement new and improved deadly force policy, procedures, rules, and training.

There were two other stated goals, not measurable over the short term:

(a) to reduce the rate of homicide by police;

(b) to reduce the rate of injuries and deaths of officers in deadly force situations.

At the outset, only the project director position identified in the cooperative agreement between the Bureau of Justice Assistance (BJA) and the International Association of Chiefs of Police (IACP) was in place at the IACP. Mr. Dan Rosenblatt, the deputy executive director, was actively involved in the search for a project coordinator. On November 17, 1986, this position was filled by Ron McCarthy, a former police officer with experience in law enforcement training and 17 years of experience in training police nationwide in various aspects of deadly force issues. A project clerical person was selected shortly thereafter. This completed the project staffing effort, and the work of fulfilling the requirements of the cooperative agreement began, with several tasks being undertaken simultaneously.

The cooperative agreement required the development of a needs assessment. This task was undertaken immediately. The purpose of the needs assessment was to help identify the most appropriate sites of the project workshops. The assessment was therefore designed to include questions that would identify the areas of the country having the most urgent need for guidance in policy development. The assessment focused heavily on deadly force policy questions. The assessment was drafted, reviewed by the BJA project manager, Mr. Fred Becker, revised, put into final form, and mailed to 1,000 police departments. The departments were selected as follows:

- (1) Every state (50) provided a grouping of 20 agencies, for a total of 1,000 agencies.
- (2) The largest agency in each state was automatically selected to receive an assessment.
- (3) The state police agency in each state was automatically selected.
- (4) The "critical agency" in each state was selected. Critical agency can be defined as follows:
 - (a) the agency has a reputation for professionalism in the area of deadly force;
 - (b) the agency was in controversy on a regular basis for deadly-force related incidents;
 - (c) the agency did its work in an area that was demographically significant.
- (5) The agency had at least five sworn employees, including the agency head. From this point on the agencies were selected at random.
- (6) At least one sheriff's agency was selected from each state. NOTE: Agencies that have police powers such as railroad police or campus police were not selected, but would be accepted in the workshops.

A copy of the needs assessment is included as exhibit 1.

The project staff developed ten regions, each containing at least four, but a maximum of seven, states that were contiguous with each other. Alaska and Hawaii were the obvious exceptions.

The states were grouped as follows:

- <u>Northeast</u>: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and New York (7).
- Mideast: Pennsylvania, New Jersey, West Virginia, Virginia, Maryland and Delaware (6).

EXHIBIT 1

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A NEEDS ASSESSMENT

for the

DEADLY FORCE TRAINING PROGRAM





prepared by

the

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

in cooperation with

the

U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE



Thirteen Firstfield Road P.O. Box 6010 Gaithersburg, Maryland 20878 Phone (301) 948-0922 Cable Address IACPOLICE

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Past President and Parliamentarian Francis B. Looney Farmingdale, NY

The IACP has been selected by the U.S. Department of Justice, Bureau of Justice Assistance, to develop a Deadly Force Training Program that will identify the most significant points of information, training, administration and application of all facets of the use of deadly force in the law enforcement community. The training program as mandated by the Bureau of Justice Assistance must be responsive to the needs of all law enforcement agencies throughout the nation, regardless of location or department size.

To respond to this mandate, we have designed the attached assessment that will define the needs of law enforcement in all parts of the nation regarding this issue. We are writing to request your assistance with and timely response to the enclosed assessment. The accuracy of your input will contribute significantly to the development of a contemporary and valuable training program.

The IACP/Bureau of Justice Assistance Deadly Force Program will consist of 2-1/2 days of contemporary training offered by the most knowledgeable and experienced people in the field. The program will be held at ten different locations around the nation, and information about training sites and participant selection will be available shortly.

It is requested that you complete and return to the IACP the enclosed material within 10 days. Your cooperation in this training effort is appreciated. If you have any questions, please feel free to contact the Project Coordinator, Ronald M. McCarthy at 1-800-638-4085.

Sincerely, ald R. Vaugh Jel

Executive Director International Association of Chiefs of Police

Enclosure

This needs assessment document is a major data collection component of a nationwide study by the International Association of Chiefs of Police on law enforcement Deadly Force policies, departmental procedures, rules and regulations and administrative processes. From this effort, we intend to determine the most appropriate areas of the country to provide workshops on the subject of Deadly Force, Policies and Procedures and police agencies' needs regarding Deadly Force issues throughout the nation.

IACP Project Coordinator:

Ron McCarthy IACP 13 Firstfield Road P.O. Box 6010 Gaithersburg, MD 20878 (301) 948-0922 ext. 316

INSTRUCTIONS FOR COMPLETING THIS QUESTIONNAIRE

Please complete all questions using the following format:

- Mark an "X" on all answers that apply to you.
- Print a short descriptive answer, where required.
- When you are unable to respond to a question, please use the following format:
 - NA -- Not Applicable UN -- Unavailable Information, e.g., destroyed or confidential NREC -- Information not recorded UNK -- Unknown

Note: Please do not guess or estimate any answers. Please use the above-quoted responses.

PLEASE FURNISH A COPY OF YOUR DEPARTMENT'S DEADLY FORCE/USE OF FORCE POLICY

Agency					······································					:		-
Agency Address							,			:		
	-				,		1					
		· · · · · · · · · · · · · · · · · · ·			1	·······	E		:			•
Name and Rank of	person	complet	ing fo	rm:			-				:	.
Telephone Number				1					-			•
1. Name of you	r police	e chief	or dep	artme	ent	hea	d:	:				:
2. Year appoin	ted:		· · · · · ·			· ·						

3.	What is the number of sworn personnel?
	Less than 10 25-49 100-299 500 and over
	10-24 50-99 300-499
4.	What is the department's requirement on the education level of police recruits?
	G.E.D. diploma
	High school graduate
	1 year college
	2 year college
	3 year college
	4 year college
	No specific requirement
5.	What is the average number of years of education completed by sworn members of your department?
	12 years14 years16 years18 years
	13 years15 years17 years
6.	Does your department have a <u>written</u> Deadly Force/Use of Force Policy? If no, proceed to question 16.
	YES NO UNKNOWN
7.	Is your Deadly Force Policy the same as state law?
	YES NO UNKNOWN
8.	Is your policy more restrictive than state law?
	YES NO UNKNOWN
•	

Does your policy detail an escalation/de-escalation of force 9. policy?

YES NO UNKNOWN

10. Does your Deadly Force Policy contain:

		YES	NO	UNKNOWN
a) A definition of Deadly For	ce?			
b) A shoot to stop statement?c) A value of human life state	omont?			
d) A defense of life statemen		· · · · · · · · · · · · · · · · · · ·		

	e)	A significant threat to self or other	S		
		statement?	·		
		A statement about warning shots?			· · ·
	g)	A statement of background/innocent			
		bystander consideration?			
	h)	A statement about shooting at or from			
		vehicles?			· · · · · ·
	i)	A statement regarding shots to		*	
		destroy animals?			
	j)	A statement on safe handling, drawing	9	· . · · ·	
		or exhibiting a weapon?			
	<u>k)</u>	A statement detailing departmental			
		control of weapons?			
		A statement detailing type of weapon?			
	m)	A statement detailing caliber?			
	n)	A statement referring to off-duty			
		weapons?			
	0)	A statement regarding secondary or	< Automatica		
		backup weapons?			
	p)	A statement specifying type of backup			
		weapon?			
	q)	A statement specifying type of on-dut	у		<u></u>
	•	weapon?			
	r)	A statement detailing weapons			··
	•	registration?			
	s)	A section dealing with firearms			-1
		training?			
	t)	A section dealing with firearms	· · · · · · · · · · · · · · · · · · ·		
	<i>+</i> 7	qualifications?			
	ú)	A section dealing with certification	· · · · · · · · · ·		
	-,	and training records?			
	v)	A section defining procedures to be	·	. <u></u>	
		followed regarding your department's			
		officers involved in shooting/deadly			
		force process?			
	w)	A section dealing with psycological			
	,	services?			
a.	x)	A section dealing with intra-agency			-
	~ /	issues?			
	v)	A section dealing with post-shooting	نىخىيەت		
	JI	administration leave?			
			······		
	Has	vour department's present shooting	policy.	training	Of 11

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11. Has your department's present shooting policy, training or use of Deadly Force been challenged in court?

YES NO UNKNOWN

If yes, please briefly explain: i.e., what was the basis of the challenge(s), wrongful death, unjustifiable homicide, civil rights violations?

- 12. When did your department's last officer-involved shooting (on or off duty) occur? DATE: ______ N/A ___ UNKNOWN ____
- 13. When did your department's last officer-involved death, by use of force occur? DATE: N/A UNKNOWN
- 14. Please write the number of incidents when police deadly force was used, whether or not injury or death occurred.

 1986
 1985
 1984
 1983

15. Please write the number of deaths that resulted from police use of deadly force on and/or off duty for the following years.

1986	1985	1984	1983

16. How often must an officer qualify with his/her service weapon?

Once a year	Quarterly
Twice a year	Monthly
Three times a year	0ther

17. What kind of qualification course do you use?

- A. Standard P.P.C.
- B. Combat Course
- C. _____ Night Qualification
- D. Physical Exertion Course
- E. Computerized Laser Judgment Course
- F. Other
- G. Unknown

18. What percentage is required for each course?

Α.	Standard P.P.C.	Β.	Combat Course
	Pass/fail		Pass/fail
	60%		60%
	60% - 70%		60% - 70%
	70% - 80%		70% - 80%
	80% - 90%		80% - 90%
	Above 90%		Above 90%

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C. Night Qualification D. Physical Exertion Course

	Pass/fail		Pass/fail	
	50%	•	60%	
	50% - 70%		60% - 70%	
· · · · · · · · · · · · · · · · · · ·	70% - 80%		70% - 80%	
· . · ·	30% - 90%		80% - 90%	
ан 1	Above 90%		Above 90%	

19. Are there any comments or suggestions you would like us to consider?

Thank you for taking part in this Need's Assessment. PLEASE, remember to include your shooting policy/Deadly Force Policy when returning this questionnaire.

If we can be of assistance to you on matters regarding Deadly Force, please feel free to contact IACP.

Again, thank you.

- Southeast: North Carolina, South Carolina, Georgia and Florida (4).
- South Central: Kentucky, Tennessee, Mississippi, Alabama and Louisiana (5).
- Southwest: Oklahoma, Arkansas, Texas and New Mexico (4).
- Midwest: Wisconsin, Michigan, Illinois, Indiana and Ohio (5).
- Mid-Central: Iowa, Kansas, Missouri, Colorado and Nebraska (5).
- North Central: Montana, Wyoming, North Dakota, South Dakota and Minnesota (5).
- Northwest: Idaho, Oregon, Washington and Alaska (4).
- Far West: Utah, Arizona, Nevada, California and Hawaii (5)

The agencies that received the needs assessment showed great interest in it. A total of 501 out of the 1,000 distributed were returned and provided very useful information. The state that returned the most assessments was California with 17 out of 20 being completed. At least three surveys were returned from each state, so that no single state went unrepresented. Delaware and Hawaii returned three surveys each. The District of Columbia (Washington Metropolitan Police) returned their survey.

One of the surprising revelations of the needs assessment was the high number of agencies that had deadly force policies. Of the 501 agencies that returned needs assessments, only 20 had no policy.

Since the majority of the twenty agencies that indicated they had no deadly force policy were located in the South Central region, project staff determined that this region had the greatest need for deadly force policy training.

Assessment data revealed no signicant differences related to deadly force policy issues among the other nine regions. This survey indicator was borne out in the workshops. Exhibit 2 is the needs assessment data base that was developed.

The needs assessment provided comparative data on deadly force policy for police agencies interested in determining if their policy is in line with those of other departments and agencies around the country. Additional data that were of substantial value enabled law enforcement agencies to compare their own qualification methods with those of other agencies.

As the project needs assessment was being carried out, the project staff and the BJA program manager, Mr. Fred Becker, began to identify potential members of a project advisory board. The board was to be an assemblage of experts ranging from attorneys, police chiefs, and researchers to police union representatives, police psychologists, a city council member, and community relations experts, all of whom had special insights regarding deadly force.

The advisory board met to provide guidance and input regarding the development of the workshop curriculum. All advisory board were funded and monitored by the Bureau of Justice Assistance.

The board was instrumental in determining the workshop structure. There were a total of 73 suggestions made, of which 68 were implemented as part of the syllabus, the curriculum, or the instructors' workshop presentations.

The advisory board was also provided copies of the completed syllabus by mail and asked to offer their suggestions prior to its finalization. The members were also invited to attend one of the workshops. Mr. Robert Lamb did attend, and his letter to the project coordinator is included as a part of the addenda section of th impact evaluation (exhibit 3).

EXHIBIT 2

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NEEDS ASSESSMENT SURVEY RESULTS

for the

DEADLY FORCE TRAINING PROGRAM

prepared by

the

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

in cooperation with

the

U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE

TOTALS BY STATE

ALASKA 6
ALABAMA 10
ARKANSAS 11
ARIZONA 12
CALIFORNIA 17
COLORADO 16
CONNECTICUT 10
DISTRICT OF COLUMBIA1
DELAWARE
FLORIDA 13
GEORGIA
HAWAII
IOWA 14
IDAHO7
ILLINOIS 13
INDIANA
KANSAS 12
KENTUCKY 10
LOUISIANA8
MASSACHUSETTS9
MARYLAND 10
MAINE 12
MICHIGAN 13
MINNESOTA 13
MISSOURI 16
MISSISSIPPI 13

MONTANA	
NORTH CAROLINA 13	
NORTH DAKOTA 7	
NEBRASKA 8	
NEW HAMPSHIRE 11	
NEW JERSEY 14	
NEW MEXICO 13	
NEVADA 4	
NEW YORK 11	
OHIO 13	
OKLAHOMA7	
OREGON 13	
PENNSYLVANIA8	
RHODE ISLAND6	
SOUTH CAROLINA 5	
50UTH DAKOTA 7	
TENNESSEE 15	
ΓΕΧΑS14	
UTAH	
VIRGINIA 16	
VERMONT 6	
WASHINGTON 16	
WISCONSIN 13	
WEST VIRGINIA7	
WYOMING 6	

TOTALS BY REGION

FAR WEST 4	7
MID-CENTRAL 6	6
MIDEAST	8
MIDWEST 6	0
NORTH CENTRAL 3	8
NORTHEASTERN 6	6
NORTHWESTERN 4	1
SOUTH CENTRAL 5	5
SOUTHEASTERN 3	9
SOUTHWESTERN 4	4

TOTAL AMOUNT OF RESPONSES = 514

1.	What is the number of sworn personnel?			
	<u>11</u> Less than 10 <u>145</u> 25-49 <u>118</u> 100-2	.99 <u>67</u>	500 and over	
	49 10-24 89 50-99 32 300-499			
2.	Does your department have a written Deadly Force/U	se of Force Po	licv?	
2.	If no, proceed to question 16.			
	498 YES 20 NO 2 UNKNOWN			
3.	Is your Deadly Force Policy the same as state law?			
	219 YES 247 NO <u>20</u> UNKNOWN	NA=2		
4,	Is your policy more restrictive than state law?			
	<u>307</u> YES <u>155</u> NO <u>26</u> UNKNOWN	NA=3		
5.	Does your Deadly Force Policy contain:	• • • •		
		YES	NO	UNKNOWN
	 a) A definition of Deadly Force? b) A shoot to stop statement? c) A value of human life statement? d) A defense of life statement? e) A significant threat to self or others statement? f) A statement about warning shots? g) A statement of backgroun/innocent bystander consideration? h) A statement about shooting at or from vehicles? i) A statement regarding shots to destroy animals? j) A statement on safe handling, drawing, or exhibiting a weapon? k) A statement detailing departmental control of weapons? l) A statement detailing type of weapon? m) A statement detailing caliber? n) A statement referring to off-duty weapons? o) A statement regarding secondary or backup weapons? 	353 241 239 458 480 453 325 393 363 372 359 403 392 383 300	$ \begin{array}{r} 135\\ 227\\ 238\\ 27\\ 10\\ 36\\ 165\\ 98\\ 127\\ 116\\ 123\\ 84\\ 93\\ 103\\ 186\\ \end{array} $	1 12 NA=3 6 2 12 1 1 1 1 2 7 1 1 1 1 1 1 1 1 1 1 1 1 1
	p) A statement specifying type of backup weapon?q) A statement specifying type of on-duty	264	213	$\frac{1}{2} \text{ NA=1}$
	 weapon? r) A statement detailing weapons registration? s) A section dealing with firearms training? t) A section dealing with firearms qualifications? u) A section dealing with certification and training records? v) A section defining procedures to be followed regarding your department's officers involved 	377 252 388 388 308	107 230 101 98 171	$\frac{1}{5}$ NA=2 $\frac{1}{2}$
	in shooting/deadly force process?	392	95	2

w) A section dealing with psychological services?	188	292	8
x) A section dealing with intra-agency issues?	127	343	16
y) A section dealing with post-shooting adminis-			
tration leave?	233	241	4

6. Has your department's present shooting policy, training or use of Deadly Force been challenged in court?

52 YES 430 NO 18 UNKNOWN

7. Please write the number of incidents when police deadly force was used, whether or not injury or death occurred.

1986	1985	1984	1983	# of
				(response/total of incidents)
163/1079	<u>163/1016</u>	<u>128/919</u>	136/1060	

8. Please write the number of deaths that resulted from police use of deadly force on and/or off duty for the following years.

1986	1985	1984	1983	# of
				(response/total of deaths)
<u>70/187</u>	<u>70/177</u>	60/195	<u>68/227</u>	

9. How often must an officer qualify with his/her service weapon?

118	Once a year	119	Quarterly
182	Twice a year	26	Monthly
38	Three times a year	18	Other

- 10. What kind of qualification course do you use?
 - A. 261 Standard P.P.C.
 - B. <u>347</u> Combat Course

C. 293 Night Qualification

- D. <u>162</u> Physical Exertion Course
- E. 22 Computerized Laser Judgment Course
- F. <u>164</u> Other

G. <u>1</u> Unknown

11. What percentage is required for each course?

Α.	Standard P.P.C.				Combat Course		
	29	Pass/fail NA=9			76	Pass/fail NA=4	
	5_	60%			3	60%	

		17 60%-70%		<u> 11 60%-70%</u>
		223 70%-80%		223 70%-80%
		47 80%-90%		64 80%-90%
		2 Above 90%		2 Above 90%
C,	Night	Qualification	D.	Physical Exertion Course
	122	Pass/fail NA=8		<u>67</u> Pass/fail NA=1
	5	60%		1 60%
	11	60%-70%		7 60%-70%
	157	70%-80%		96 70%-80%
	37	80%-90%		<u>19</u> 80%-90%
	1	Above 90%		Above 90%

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Participation of

EXHIBIT 3

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U.S. DEPARTMENT OF JUSTICE COMMUNITY RELATIONS SERVICE NORTHWEST REGIONAL OFFICE DIS SECOND AVENUE BEATTLE, WASHINGTON \$5174

November 23, 1987

Hr. Jerald R. Vaughn Executive Director International Association of Chiefs of Police PO Box 6010 Thirteen Firstfield Poed Gaithersburg, ND 20878

Dear Mr. Vaughn:

Permit me to thank the IAACP for the outstanding service rendered by Mr. Fon McCarthy as related to the Deadly Force Workshops.

As you know, I served as a member on the Advisory Board for this project and am, therefore, familiar with its poals and objectives. Recently I attended the workshop held in Phoenix, Arizona, and witnessed firsthand an excuplary accomplishment of the aims and expectations of the project. The study course, videos, handouts and presentations were most professional. The sessions were stimulating and pragmatic. These results were greatly attributed to the enthusiasm, knowledge and dedication of Mr. McCarthy. Kon brings a no nonsense but sensitive approach to the state of the art that will no doubt be of great value in protecting the lives of both citizens and the police; however, for your information (and I have shared this with Kon), there exists other firearms policies that might be an improvement on the IAACP's model policy. I believe the Houston firearms policy to be such an example.

Eut as I stated initially, ny purpose here is to recognize the herd work and contribution of Kon HeCarthy for implementing the project's goals in a most outstanding and professional namer. I an certain the workshops will be of inestimable value in the future course of policing.

Finally, I wish to thank you personally for your leadership in regards to the project and for the honor and opportunity of allowing me to serve on the Advisory Board.

Sincerely Lanb, Jr. Roberd Regional Director

cct Mr. Ron McCarthy

ADVISORY BOARD

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Michael Avery Attorney at Law Boston, Massachusetts

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Reuben Greenberg Chief of Police Charleston, South Carolina

Henry Klein Attorney at Law Memphis, Tennessee

Kenneth Matulia Researcher Security Specialist Ijamsville, Maryland

Shirley S. Melnicoe Researcher Berkeley, California

Billy D. Prince Chief of Police Dallas, Texas

As the Phase I tasks continued, the workshops course syllabus was finalized and received BJA approval from Mr. Becker. The complete course syllabus is included here as exhibit 4.

After determination of the ten geographical regions, it became necessary to identify the actual training sites. The ten cities that were selected were compatable with the regions, were easily accessible by air travel, were able to provide moderately priced accommodations for the participants, were able to obtain the support of the local law enforcement agency.

The workshops were advertised by brochure with ten specific workshop locations and dates announced:

(1) Omaha, Nebraska		August 4-6, 1987
(2) Dallas, Texas		August 19-21, 1987
(3) Columbus, Ohio	$(1, \dots, n) \in \mathbb{R}^{n \times n} \times \mathbb{R}^{n \times n}$	September 1-3, 1987
(4) Nashville, Tennessee		September 8-10, 1987
(5) Boston, Massachusetts		September 14-16, 1987
(6) Baltimore, Maryland		September 28-30, 1987
(7) Minneapolis, Minnesota		October 6-8, 1987
(8) Portland, Oregon		October 20-22, 1987

EXHIBIT 4

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INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

in cooperation with

BUREAU OF JUSTICE ASSISTANCE

SYLLABUS

WORKSHOP TITLE:

DEADLY FORCE POLICY DEVELOPMENT AND IMPLEMENTATION WORKSHOP FOR POLICE EXECUTIVES

LENGTH OF WORKSHOP: 2 1/2 days (22 hours) at sites to be identified.

HISTORY AND PURPOSE:

The police use of deadly force is an awesome power delegated to law enforcement officers from the society they are sworn to serve. There is no single issue that tends to precipitate division between society and the police than excessive or unlawful use of force.

Garner v. Tennessee in 1985 established new and more restrictive guidelines that require more department control and responsibility in the use of deadly force.

The discretion whether to employ deadly force is, because of its irreversible consequences, the gravest power that a society can delegate to one of its agencies.

The entire community must have faith in the law enforcement agency it is served by. A violent confrontation that results in the use of deadly force will always raise questions and cause social concern. Officers wrongfully accused must be vindicated. Officers who violate this trust and dishonor the badge must be corrected or punished. Law enforcement must lead the way in developing and improving policy, selection, training, and communication.

Police executives that have a complete understanding of all the issues surrounding police use of deadly force can effectuate administrative change providing positive controls and oversight that will protect the department and its management.

The public must believe that they are protected. The police officer must believe he/she is being protected. All of these goals can be achieved through professionalism and training, anchored by a progressive written policy.

ATTENDEES:

This course will be offered at ten different sites around the country. It is intended for chiefs of police and high ranking law enforcement officials having impact on deadly force issues within their respective departments.

COURSE COMPOSITION: HOURS Introduction and Course Description 1/2 4.1 1/2 Understanding Rules, Regulations, and Policy 4.2 4 4.3 Policy and Law 1 Policy and Ethics 4.4 1 The Model Policy and Why 4.5 1 Policy and the Officer; Implementation 4.6 Policy and the Community/Media 1 4.7 1 Policy and Training 4.8 Policy and the Psychological Aspects Deadly Force Investigation 3 4.9 4 4.10 4 Policy Development Modules Participant Critiques 4.11 1/2 4.12 1/2 Graduation 4.13

22

TOTAL

COURSE GOALS:

Upon completion of the Deadly Force Training Program Workshop the participant will:

• Develop and demonstrate a knowledge of all essential elements of an effective Deadly Force Policy.

 Have a clear understanding of the training approaches demonstrated to be most effective to insure responsible action on the part of department regarding training as it impacts on Deadly Force Issues.

Have a thorough knowledge of, and demonstrate knowledge of the principal legal and liability issues regarding Deadly Force.

 Demonstrate the ability to evaluate the adequacy of existing policy and training.

 Have knowledge of the methods and skills required to successfully implement change in Deadly Force Policy Training.

• Understand the relationship that exists, and the different purposes that result from rules, regulations, and policies. and policies.

CLASS TITLE: INTRODUCTION AND COURSE DESCRIPTION 1/2 HOUR

4.1.0 INSTRUCTIONAL GOAL AND OBJECTIVE:

The participant will be introduced to and understand the course schedule and the curriculum content to be presented.

(<u>NOTE</u>: Videotape of an acutal deadly force situation resulting in death will be shown, followed by group division and discussion, followed by a critique.)

- CLASS TITLE: UNDERSTANDING RULES, REGULATIONS AND POLICY. 1/2 HOUR
 - 4.2.0 <u>INSTRUCTIONAL GOAL</u>: The participant will be aware of the classic management definition of the terms, RULE, REGULATION, and POLICY.
 - 4.2.1 INSTRUCTIONAL OBJECTIVE:

The participant will demonstrate through development of coherent policy and by establishing in the workshop a set of rules/regulations, a knowledge of the policy rules and regulations concept; that policies are broad concepts and rules and regulations are synonymous.

CLASS TITLE: POLICY AND LAW 4 HOURS

4.3.0

- INSTRUCTIONAL GOAL: The participant will understand the three basic "standards" regarding law and deadly force. The participant will learn about the laws, both federal and state, that are most integral to developing policy. The participant will know the civil liability aspects regarding deadly force.
- 4.3.1 INSTRUCTIONAL OBJECTIVE:

The participant will learn the importance of the Garner v. Tennessee decision.

4.3.2 INSTRUCTIONAL OBJECTIVE:

Participant will learn the three categories of torts (negligence, intentional, and constitutional), and their impact on departments through litigation.

4.3.3 INSTRUCTIONAL OBJECTIVE:

The participant will learn the significance of state criminal law as it relates to deadly force.

4.3.4 INSTRUCTIONAL OBJECTIVE:

The participant will learn the significance of federal criminal law, civil rights violations and 18 U.S.C. 241 and 242, and their impact on local law enforcement.

4.3.5 INSTRUCTIONAL OBJECTIVE:

After appropriate instruction, the participant will know the difference between common law, modified common law, and model penal code, and understand why the "standards" are integral to to policy development.

4.3.6 INSTRUCTIONAL OBJECTIVE:

The participant will be taught the recommended format to develop policy to lessen the liability factors that exist.

4.3.7 INSTRUCTIONAL OBJECTIVE:

The participant will be able to identify case law wherein liability was placed on police agencies for inadequacies in selection, training, administration, management, and supervision.

4.3.8

INSTRUCTIONAL OBJECTIVE:

The participant will learn the importance of developing policy that is more restrictive than law.

CLASS TITLE: POLICY AND ETHICS 1 HOUR

4.4.0

INSTRUCTIONAL GOAL: To familiarize the participant with the ethical issues involved in model policy and policy development. To develop an interest in recognizing a level of responsible control beyond law and policy, basing this premise on the value of human life. To develop an understanding of the need to accommodate public attitudes and accomplish this while meeting the responsibilities imposed by law and the moral obligation of the police officer. 4.4.1 INSTRUCTIONAL OBJECTIVE:

The participant will be informed and reminded of the obligation of law enforcement to protect human life, as its primary responsibility.

- 4.4.2 INSTRUCTIONAL OBJECTIVE: The participant will be able to identify portions of policy that relate directly to the question of ethics.
- 4.4.3 INSTRUCTIONAL OBJECTIVE:

The participant will understand the ethical attitudes and issues that are at the foundation of professional policing.

- CLASS TITLE:
- THE MODEL POLICY AND WHY 1 HOUR
- 4.5.0
- INSTRUCTIONAL GOAL: To develop in the participant's mind, an appreciation for the strength of a policy and the importance of a well defined policy. To provide a model policy and present it with appropriate support to convince the participants that well defined policy is best for the department, the officer, the manager and the community.

4.5.1 INSTRUCTIONAL OBJECTIVE:

The participant will be able to identify all policy segments that relate to his/her agency.

(NOTE: Oceanside incident to be on slides and a quick but complete review of the facts of the incident will be provided. The workshop will again be divided into groups. Groups will evaluate facts - to try to determine vulnerabilities and problem areas, and then return to the classroom for critique.)

4.5.2

INSTRUCTIONAL OBJECTIVE:

IN: AUCTIONAL OBJECTIVE:

The participant will understand the various policy topics and the requirements of each topic.

4.5.3

The participant will, through discussion, identify policy topics that may cause implementation problems in the participant's jurisdiction.

4.5.4 INSTRUCTIONAL OBJECTIVE:

Through instruction and discussions, develop methods to overcome the identified problems.

CLASS TITLE: POLICY AND THE OFFICER; IMPLEMENTATION

4.6.0 INSTRUCTIONAL GOAL: The participant will learn a structured procedure for implementing new policy regarding deadly force that will insure an acceptance of the policy by line personnel, and thereafter, an adherence to the policy with no disruption or internal strife.

4.6.1 INSTRUCTIONAL OBJECTIVE:

The participant will be able to describe a procedure consistent with his jurisdiction's structure to interact with the employee representation group most concerned in revamping deadly force policy and practice.

4.6.2 INSTRUCTIONAL OBJECTIVE:

The participant will be able to develop an effective internal process to "sell" new deadly force policy and to insure positive reception.

4.6.3 INSTRUCTIONAL OBJECTIVE:

The participant will be able to design an "adherence" procedure.

INSTRUCTIONAL OBJECTIVES:

The participant will understand that restrictive policy saves both citizen and officer lives.

CLASS TITLE:

4.6.4

POLICY AND THE COMMUNITY/MEDIA 1 HOUR

4.7.0

INSTRUCTIONAL GOAL: The participant will be introduced to several proven suggestions in reaching the community and the media with positive information flow and education regarding the police agencies' efforts to advance good policy and practice in the area of deadly force.

4.7.1 INSTRUCTIONAL OBJECTIVE:

The participant will be able to adjust his/her agency's press relations and community relations' policy to insure positive media/community reaction to the departments' progressive change.

4.7.2 INSTRUCTIONAL OBJECTIVE:

The participant will be able to develop a program to increase community and media contact in a positive way involving line personnel.

CLASS TITLE: POLICY AND TRAINING 1 HOUR

4.8.0

INSTRUCTIONAL GOAL: To demonstrate to the participants, the necessity for developing and maintaining professional and appropriate training programs for basic recruits and in-service police personnel. To emphasize the need for complete and accurate documentation of training and qualification through all aspects of training, but especially deadly force related subjects.

4.8.1 INSTRUCTIONAL OBJECTIVE:

The participant will learn the difference between traditional training concepts and training concepts that relate to actual practice.

4.8.2 INSTRUCTIONAL OBJECTIVE:

The participant will be able to evaluate the training program that exists in his/her department and recommend positive change.

4.8.3 INSTRUCTIONAL OBJECTIVE:

The participant will be able to evaluate the proper equipment such as handguns, caliber, holsters, and batons, etc. that should be used by his/her department.

4.8.4 INSTRUCTIONAL OBJECTIVE:

The participant will be able to determine what is contemporary training and relevant training.

CLASS TITLE: POLICY AND THE PSYCHOLOGICAL ASPECTS 3 HOURS

4.9.0 INSTRUCTIONAL GOAL: The participant will be exposed to and will learn through lecture from qualified police psychologists, the necessity for a behavioral sciences approach to selection and testing, personnel maintenance, and post deadly force incident trauma.

4.9.1 INSTRUCTIONAL OBJECTIVE:

The participant will be able to identify the appropriate personnel selection instruments pertaining to deadly force issues, that are presently recognized in the law enforcement field.

4.9.2 INSTRUCTIONAL OBJECTIVE:

The participant will be able to evaluate his/her present personnel monitoring program for effectiveness.

4.9.3 INSTRUCTIONAL OBJECTIVE:

The participant will be able to measure his/her department's potential for civil liability in the area of response to accepted practices in law enforcement regarding psychology.

CLASS TITLE: D

DEADLY FORCE INVESTIGATION 4 HOURS

4.10.0 INSTRUCTIONAL GOAL: Through case studies, the participant will be taught the differences that exist in a typical homicide investigation and the police use of deadly force situation. The participant will be exposed to examples of those four different types of officer involved uses of deadly force and be given advice in the management principals of supervising each one as a police executive. How the investigation of a deadly force incident coincides with internal discipline, liaison with outside agencies, and the rights of the officers involved will be emphasized.

4.10.1

INSTRUCTIONAL OBJECTIVE:

The participant will be able to identify the four types of police use of deadly force incidents based on investigative standards.

4.10.2

INSTRUCTIONAL OBJECTIVE:

The participant will be able to select the type of investigator from his/her department's investigative personnel best suited to the task.

4.10.3 INSTRUCTIONAL OBJECTIVE:

The participant will be able to understand how the investigative process must interrelate with internal discipline, training, administration, outside agency liasion, the public and media, and civil/criminal court proceedings.

4.10.4 INSTRUCTIONAL OBJECTIVE:

The participant will be able to recognize some of the investigative pitfalls that can occur.

CLASS TITLE

POLICY DEVELOPMENT MODULES 4 HOURS

4.11.0

INSTRUCTIONAL GOAL: The participants will be divided into working groups to develop model policies and matching procedures that they would like to implement in their agency. The participants, as a work group, will discuss the various aspects of policy, than each individual will write policy and procedure that directly fits his/her department. This exercise will develop within the participant the knowledge necessary to manage the administration of the entire department deadly force concept, and to recommend and lead in improved and updated policy change.

4.11.1 INSTRUCTIONAL OBJECTIVE:

The participant will write a deadly force policy for his department listing the policy topics and then in outline form, identifying the important details of each topic.

4.11.2

2 INSTRUCTIONAL OBJECTIVE:

The participant will write procedures (in outline form) to support the policy he/she has developed.

4.11.3

INSTRUCTIONAL OBJECTIVE:

The participant will outline in writing, the step he/she intends to take to implement the policy issues they have authored or changed.

(NOTE: INSTRUCTIONAL INSTRUMENTS (Forms) will be provided that can be used on a class by class basis to begin to develop policy change. At the end of 16 hours of instruction, these instructional instruments will provide immediate resource and recall to accomplish the instructional objectives. At the conclusion of the policy development modules block of instruction, the participants' "policy and procedures" development material will be collected, duplicated, and then returned to them. The duplications will be maintained to accommodate the required impact segment of the grant.)

- CLASS TITLE: PARTICIPANT CRITIQUES 1/2 HOUR
 - 4.12.0 <u>PURPOSE</u>:: To determine areas for modification and improvement of instructors and course content.
- CLASS TITLE: GRADUATION 1/2 HOUR

4.13.0 <u>PURPOSE</u>: To pass out certificates in recognition of satisfactory attendance at the Deadly Force Policy Development and Implementation Workshop for Police Executives. (9) Phoenix, Arizona

November 9-11, 1987

(10) Charleston, South Carolina

November 17-19, 1987

Twelve thousand brochures were sent out. These brochures also announced the technical assistance program that was also available and could be requested if the request to attend a workshop was denied. The technical assistance package included material suitable for use in training agency officers of all ranks, a video tape, and <u>A Balance of Forces</u> (2nd ed.), a text that provides information that can assist a department in every area of the deadly force subject.

The first workshop was scheduled for Omaha, Nebraska, on August 4, 1987. As the course content continued to be developed, regular meetings were held to seek approval and direction from the BJA program manager.

The course syllabus, once approved by the program manager, was sent to all of the advisory board members with a request that they review it and make any final suggestions. This done, the syllabus was finalized and the task of developing a faculty of experts to serve as workshop instructors was undertaken.

It was understood from the outset that the project coordinator, Ronald McCarthy, would instruct. Mr. McCarthy was responsible for teaching seven of the ten workshop class titles, which include the following:

1. Introduction and Course Overview

2. Understanding Rules, Regulations and Policy

3. The Model Policy and Why

4. Policy and Training

5. Policy, the Community and the Media

6. Policy Development

7. Policy Development Modules

<u>The Investigation of Deadly Force Incidents</u> was instructed by Mr. Charles Higbie in all ten workshops. Mr. Higbie's qualifications are impeccable as are the qualifications of all the instructors. He has over twenty years of experience as the chief detective in charge of all officer-related deadly force incidents in Los Angeles, a total of more than 1,600. Mr. Higbie is the single most experienced investigator of deadly force incidents in the United States.

<u>Policy and Law</u> was taught by a total of four different lawyers, all nationally known experts on deadly force policy. Mr. Henry Klein of Memphis, Tennessee, one of the defense attorneys in the famous <u>Garner</u> <u>v. Tennessee</u> case and an advisory board member, taught in four of the workshops. Michael Avery of Boston, Massachusetts, the author of a text on litigation and deadly force, served as an instructor in three workshops. Mr. George Franscell of Los Angeles taught two workshops. Mr. Franscell has represented more agencies in more cases than any other attorney. And, finally, Mr. John Dise of Detroit, Michigan, and an attorney for the defense of the police in deadly force cases, taught in one workshop.

The final group of instructors were all experienced police psychologists with national reputations in the psychological aspects of the deadly force issue. Dr. Steven Sherretts of Omaha instructed one workshop; Dr. Martin Sloan of New York, instructed in three workshops; and Dr. Roger Solomon of Colorado Springs and the Washington State Patrol handled the remainder of the workshops.

The participant evaluations included in this final report indicate overwhelming satisfaction with the instructor staff, evaluating the staff at 4.5 out of a possible 5.0. This was the highest rated of all workshop categories, indicating the instructors selected were the right choices. (See exhibit 5.) The participants'

EXHIBIT 5

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QUESTION 4: GENERAL IMPRESSIONS OF FACULTY

GRADE 1 = 0 GRADE 2 = 2 GRADE 3 = 17 GRADE 4 = 90 GRADE 5 = 159

AVERAGE GRADE = 4.5

QUESTION 5: WAS THE FACULTY ABLE TO HOLD YOUR INTEREST?

 $\begin{array}{l} \text{GRADE 1} = & 0\\ \text{GRADE 2} = & 3\\ \text{GRADE 3} = & 19\\ \text{GRADE 4} = & 114\\ \text{GRADE 5} = & 135 \end{array}$

AVERAGE GRADE = 4.4

QUESTION 6: NOTEBOOK MATERIALS

 $\begin{array}{ll} \text{GRADE 1} = & 0\\ \text{GRADE 2} = & 9\\ \text{GRADE 3} = & 24\\ \text{GRADE 4} = & 93\\ \text{GRADE 5} = & 142 \end{array}$

AVERAGE GRADE = 4.4

evaluations of the workshops are the most important means of determining the value of the workshops and the project as a whole. Although the workshops comprised the major component of this cooperative agreement, project staff provided other types of assistance that were of grerat value to the law enforcement community. In addition to filling requests for the technical assistance packages, staff provided telephone and on-site technical assistance, made presentations to interested groups and law enforcement organizations, and responded to numerous telephone and written inquiries covering the whole gamut of deadly force issues. The workshops were the backbone of the program, however, and the staffs of both the BJA and the IACP placed great emphasis on making them a success.

The evaluations by the participants indicated an overall approval factor of 4.3 out of a possible 5.0. Not one single evaluation graded the program's overall value below 3.0, and only 27 participants gave that (3.0) as a numerical evaluation. All of the others were a 4 or 5. (See exhibit 6.)

As the workshop portion of Phase II of the project drew to a close, the technical assistance portion of the project grew. Project staff received requests for the technical assistance package throughout the entire program and continue to receive two or three such requests a week, as of the last month (August 1988) of the project.

The first request for on-site, specific technical assistance was received in February when Chief of Police Patrick S. Fitzsimons of Seattle, Washington, asked for a review of his department's procedures and practices relating to deadly force. In March, IACP's project coordinator, Ron McCarthy, made a two-day visit to the Seattle Police Department to meet with the department's staff and command, the operational managers of the appropriate segments of the department, and staff of the training and firearms section of the department. At the conclusion of the two-day assessment, a verbal report was provided to Chief Fitzsimons. A letter that was complimentary of the technical assistance provided soon followed. (See exhibit 7.)

In July 1988, the Dallas Police Department requested technical assistance on the subject of police field tactics and how deadly force factors relate and impact on procedures. The BJA program manager reviewed the request and approved the technical assistance, and on August 1-4, 170 Dallas police supervisors were provided the training requested. The Dallas police were pleased with the technical assistance and were highly complimentary. Exhibits 8 and 9 consist of letters from the Dallas Police Department regarding the technical assistance rendered.

The technical assistance packages that have been requested and distributed now total 153. Based upon the responses of those who attended the workshops, and of those who received technical assistance packages and returned the evaluation forms included in the package, the entire Deadly Force Training Project has been an unqualified success. The on-site technical assistance only enhanced the overall support for the program.

Phase III of the project has been completed with the preparation of this document, along with the regular project responsibilities that include the continued response to technical assistance requests, (both telephone inquiries and requests for the technical assistance packages), completion of quarterly activities reports, and compilation of project data to support the final report.

Although all tasks related to the original project have been completed, the project will continue as a result of BJA's support of a program extention. The extention will carry the deadly force training message to police supervisors and field training officers throughout the United States. This will be accomplished through workshops, the development of training manuals and technical assistance packages, and expanded on-site technical assistance.

The International Association of Chiefs of Police appreciates the support of the Bureau of Justice Assistance in offering this opportunity to provide law enforcement nationwide with material and knowledge that will, according to those who took part, save citizens' and officers' lives.

At the conclusion of Part Two, the extention of this program, a final report will be submitted that will include this Interim Report. The closing date of Part Two is September 15, 1989.

EXHIBIT 6

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DEADLY FORCE WORKSHOP EVALUATION FORM STATISTICS AS OF 11/30/87*

NUMBER OF EVALUATION FORMS

AMOUNT ACCORDING TO GRADE

GRADE 1 =	1
GRADE 2 =	21
GRADE $3 =$	143
GRADE $4 =$	612
GRADE $5 =$	785

TOTAL OF QUESTIONS

OMAHA

DALLAS

BOSTON

PHOENIX

TOTAL

COLUMBUS

NASHVILLE

BALTIMORE PORTLAND

MINNEAPOLIS

CHARLESTON

QUESTION 1: GENERAL ESTIMATE OF THE PROGRAM

32

36

30

30 27

29

23

30

24

12

273

 $\begin{array}{l} \text{GRADE 1} = & 0 \\ \text{GRADE 2} = & 0 \\ \text{GRADE 3} = & 27 \\ \text{GRADE 4} = & 135 \\ \text{GRADE 5} = & 110 \end{array}$

AVERAGE GRADE = 4.3

QUESTION 2: ORGANIZATION

 $\begin{array}{rcl} \text{GRADE } 1 = & 1 \\ \text{GRADE } 2 = & 5 \\ \text{GRADE } 3 = & 31 \\ \text{GRADE } 4 = 1.26 \\ \text{GRADE } 5 = 100 \end{array}$

AVERAGE GRADE = 4.2

QUESTION 3: DID THE SUBJECT MATTER RELATE TO THE PROGRAM OBJECTIVES?

 $\begin{array}{l} \text{GRADE 1} = & 0 \\ \text{GRADE 2} = & 3 \\ \text{GRADE 3} = & 29 \\ \text{GRADE 4} = & 100 \\ \text{GRADE 5} = & 139 \end{array}$

AVERAGE GRADE = 4.4

*NOTE: Not all participants turned in evaluation forms.



Seattle Police Department

Patrick S. Fitzsimons, Chiel of Police Charles Royer, Mayor



June 27, 1988

Fred Becker, Program Manager Bureau of Justice Assistance U.S. Department of Justice Washington, D.C. 20531

Dear Mr. Becker:

In March, 1988, Project Coordinator of the Deadly Force Training Program, Ron McCarthy, spent two days visiting the Seattle Police Department for the purpose of providing consultation on various aspects of police use of deadly force.

Mr. McCarthy's visit involved a review of several deadly force incidents, examination of our training programs and facilities, and discussions with a number of department commanders.

Although the visit was not intended as a comprehensive review, we found Mr. McCarthy's input very worthwhile. He has a high level of experience and expertise in this are and the ability to distill his knowledge and observations into a "fresh" look that is positive and useful. I recommend his assistance to other agencies.

On behalf of the Seattle Police Department, I wish to thank Mr. McCarthy, the International Association of Chiefs of Police and the U.S. Department of Justice for the consideration and assistance that were provided to us.

Very truly yours,

PATRICK S. FITZSIMONS Chief of Police

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cc: Assistant Chief Grayson

An equal employment opportunity - affirmative action employer. City of Seattle – Police Department, 610 Third Avenue, Seattle, Washington 98104-1886

EXHIBIT 8

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August 8, 1988

Mr. Fred Becker Bureau of Justice Assistance 633 Indiana Avenue NW, Room 602A Washington, D.C. 20530

Dear Mr. Becker:

During August 1-4, 1988, Mr. Ron McCarthy presented back-to-back two-day field tactics courses for 153 Dallas Police Sergeants, Lieutenants, and training officers. Assisted by Mr. Russell Showers, Mr. McCarthy addressed use of force and deadly force by police officers and outlined many techniques for avoidance or survival of such incidents.

Participants' critiques verify that Mr. McCarthy's law enforcement background, apparent knowledge of current studies and events regarding deadly force and his dynamic instructing helped create one of the best in-service training courses ever presented here.

Vitally important information gleened from these courses will be dispersed throughout our department by supervisors who attended. Also the Dallas Police Academy staff is currently compiling a three-day school based on many ideas taken from this training. Thank you very much for the expert technical assistance you provided. Quite feasibly lives will be saved because this course was presented in Dallas.

Sincerely,

Rick Stone Captain of Police Training and Education Division 2828 Shorecrest Drive Dallas, Texas 75235

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EXHIBIT 9

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August 8, 1988

Mr. Ron McCarthy Project Coordinator I.A.C.P. 13 Firstfield Road Gaithersburg, MD 20878

Dear Ron:

The Dallas Police Academy staff and I deeply appreciate your efforts in presenting two back-to-back Field Tactics courses for us from August 1 through August 4, 1988.

We know how physically and mentally exhausting this task must have been for you and we wish to thank you for the excellent job you did for us. Your obvious expertise in deadly force confrontation issues impressed your audiences here and assisted in insuring their undivided attention. Hopefully, these Sergeants, Lieutenants, and training officers will carry much of the information and many of the techniques they learned from you back to the officers who work for them.

Again, thank you very much for your very personal, expert, and common sense approach to instructing our supervisors. The message you gave potentially could save their lives, the lives of their officers, or the lives of innocent citizens.

Sincerely,

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Louie C. Caudell Acting Chief of Police

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153-027-318