

Grand Jury
Second Judicial Circuit
06/23/2014

Edification Testimony
Lt. James Fairfield

My role

- To serve as a translator for those of you unfamiliar with the terminology, codes, signals, and acronyms you may hear during testimony.
- To expose you to what the officers are trained to do and why they are trained that way.
- To provide you an interactive source for tactical, training and technical information.

Terms

Words and phrases used at the scene of the event that may not be familiar.

- Radio Codes, signals, and responses
- Names for tactics
- Names for specific tasks

Tools

- The radio – The Motorola MTS1000 with shoulder microphone.
- The Taser – A battery powered probe firing electrical impulse device.
- The Handgun – Glock Model 22 .40 Caliber
- The Patrol Rifle – a semi-automatic .223 Caliber rifle in the “AR” style configuration.

Training

- Tool manipulation – The radio, the Taser, and the firearm.
- Use of Force – Federal law, State law, and Agency Policy.
- Understanding the limitations of human reaction time and the physiological effects of stress.

Training – Use of force

Based on guidelines provided by:

- The United States Constitution
 - The 4th, 5th, 8th, 14th amendments
- Florida State Statute
 - FSS 776.05
- Agency Policy and the Use of Force Matrix recommended by the State of Florida.
 - General Orders
 - CJST / FDLE Matrix



RECOMMENDED

RESPONSE TO RESISTANCE MATRIX



R
E
S
I
S
T
A
N
C
E

L
E
V
E
L
S

6 Aggravated Physical

5 Aggressive Physical

4 Active Physical

3 Passive Physical

2 Verbal

1 Presence

Checked areas represent authorized, acceptable, beginning response levels. Any response in an unchecked area requires explanation. Refer to definitions for each level of resistance and response.

✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
✓	✓	✓	✓	✓	✓	✓	✓						
✓	✓	✓	✓	✓	✓								
✓	✓	✓	✓	✓	✓								
Officer Presence	Interview Stance Arrival	Communication	Verbal Dialogue	Verbal Direction	Touch	Restraint Devices	Transporters	Take Downs	Pain Compliance	Counter Moves	Intermediate Weapons	Incapacitating Control	Deadly Force
1		2						3			4	5	6

RESPONSE LEVELS

The Agency's policy:

- All policy is created with due regard for current law and industry standards.
- An agency who intentionally creates policy that violates law sets themselves up to be sued.
- The policy can be more restrictive than the law and therefore provide an agency some buffer room to be really careful not to break the law.

TPD Use of Force Policy G.O. 60

- Deadly Force - Any force that is likely to cause great bodily harm or death.
- Officers may use deadly force only when they reasonably believe it is necessary to prevent great bodily harm to themselves or another person, or defend their life or the life of another person.

The firearm

- Due to the anticipated effect of their application, it's use is more restricted than any other tool.
- It is the only force measure specifically defined as "deadly force" in state statute.
- Officers are instructed to fire their weapons at the center of the mass of the intended available target area.
- Shooting to wound is not specifically prohibited, but it also not trained. The luxury of being able to carefully aim for non-center mass shot without unduly risking innocent life rarely exists.

The handgun is a “defensive tool.”

- The firing of a shot, is just making your weapon go “bang.”
- We are trained to continue to evaluate and keep firing until we recognize that it is safe to stop.
- Pistols are carried for convenience, not for effect. We thankfully can not currently justify carrying shoulder fired weapons at the ready as they do in some foreign countries.
- The Military police carry pistols, because they are policing soldiers on the same team. When they are at war, shooting at the other team, they carry rifles.

Human performance under stress

Understanding the limits of stimulus responses and their impact on events.

Predictions

- The time to manifest a single response to a single stimulus can be measured.
- More complicated movements, adds time.
- Multiple stimuli (discernment) can cause actions to initiate without justification.
- Multiple response options to multiple stimuli creates "lag time."
- Actions, once initiated, can sometimes not be stopped.

The shot timer

- A shot timer provides an audible signal to tell you to initiate a response
- Because its called a “shot” timer you can probably guess that it uses a sensor to capture shots, or rather the sound wave that shots create.
- We can fool the sensor into capturing things other than shots and that helps us understand how long a “reaction” takes.
- So that is what we will do together now.

What can we extrapolate from a single stimulus applied to a complicated response?

- An officer recognizes deadly threat (1/4), and indexes their weapon (1/4).
- They release the safety devices (1/4) and lift the weapon free of the holster(1/4).
- They extend it towards the target (1/4) and pull the trigger as they confirm their sights (1/4).
- Total predicted time for first shot = 1.5 seconds

A man with a knife

- Where does it start to feel unsafe? – setting the stage
- Does that match up with reality?
- Reality includes sanctions for failure.
- Base line physiological indicators.

Proper response, confusing outcomes.

- One of the events today involves a subject running away.
- Does that mean they are no longer dangerous to the officer?
- Cowboy code of the west – no shooting in the back.
- Again – recognition and application can be worlds apart.

The Bop it - Discernment

- It is easy when you know both what is coming and exactly what to do when it does.
- It is less easy when several things come but you are only supposed to respond to a specific one of them.
- At best you take the time to fully process what stimulus you just received and just react more slowly.
- At worst you react quickly but initiate a response that does not match the stimulus.

Squirrels, Snakes, and loose change

- “I swerved to avoid hitting a squirrel.”
- “A snake is a snake, and there is no such thing as a good one.”
- Coin sorter effect

Fair is where the rides are....

- If action is faster than re-action, how do we improve our odds?
- We start reacting to signature or furtive movements.
- We are predicting the future.
- We keep reacting until some compelling stimulus redirects us or tells us to stop.
- Sometimes the physical and mental inertia makes it impossible for us to stop.

Start / Stop stimulus

- We are going to use a weapon simulator to see how fast one of you can fire it.
- I understand you are likely not trained to operate the weapon and are not in fear so will give you a few attempts.
- We will let you shoot a long string to get the rhythm.
- Who is my volunteer?

Now that we have a speed norm

- We are going to shoot this drill again.
- We are going to compare past speed to current speed to make sure nobody is sandbagging.
- We want to be shooting as fast a possible.
- However, this time we are going to have a second stimulus tell you when to stop shooting.

What we find typically

- Depending on where the shooter is in the stroke of the trigger we see between 1 and 3 shots after the stop cue.
- It simply takes some time for the brain to turn off what it, just an instant ago, regarded as a very important signal to the finger.

Here is a real weapon string.



9 from holster_Segment_0_WMV V8.wmv

Actual weapon results

- The fastest draw was 1.19 seconds.
- The fastest all 9 rounds were fired was 1.24 seconds.
- The fastest overall time to draw and fire all 9 rounds was 2.52 seconds.
- We don't know how long it took to decide to draw, but we can estimate the duration of the shots.
- In one of the cases you hear today the witness recall only hearing 5 shots, so there was likely little dwell between shots.

A moving target

- We already spoke about turns.
- We did not address how far something or someone can travel from time of decision to the time of actual application.
- Since we are at short range we are not going to delve into how far a target may move while a bullet is actually in flight.
- We are just dealing with how far it moves before or during the thought and mechanical firing process.

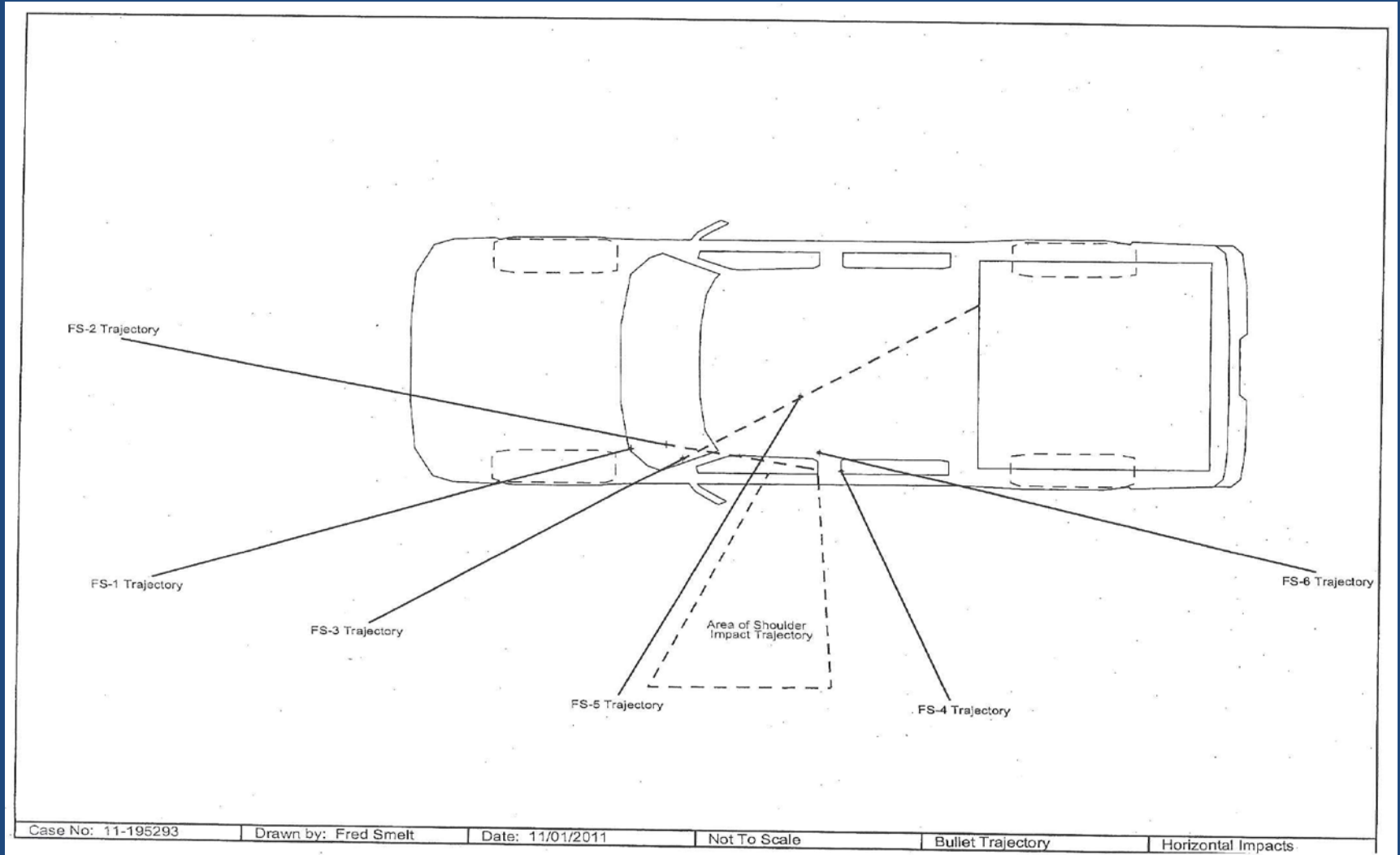
A person

- Lets assume a 15 second hundred yard dash time (300 feet / 15 seconds = 20 feet per second.)
- At a minimum $\frac{1}{2}$ second reaction time the person would have covered 10 feet.
- Assuming a basic "split" between shots of $\frac{1}{4}$ second a target would travel another 5 feet before the second shot.

A vehicle

- The Dodge Charger involved in the case today has a 6.5 second 0-60 with the smallest base engine.
- At 25MPH the vehicle will travel 36.66 FPS.
- That's 18 feet in the first $\frac{1}{2}$ second or essentially three vehicle lengths closer in just the time it takes to draw and fire one shot.
- Assuming a basic "split" between shots of $\frac{1}{4}$ second a target would travel 9 feet between shots.

Projectile Paths 2011



So why did he not stop shooting once the car had missed him?

- We have a panic initiation of the firing string.
- The firing starts, but there is no feedback from the target to indicate previous rounds had worked.
- If we consider an optimal recognition of that the threat is over, it will be at least $\frac{1}{2}$ second.
- That's at least two shots but possibly 3+ before sending the mental signal to disconnect from the trigger.
- Consider just the rounds fired at the rear, then we are dissecting how much thought can take place in .60-.75 of a second.

How does that compare to what we can predict, or re-create?

- We know from scientific study and experience that there will be profound physiological response to this level of stress.
- We know the types of bodily responses that manifest themselves under this level of stress
- We know that precise recall is severely effected during events such as this.

Knowing what we know now... post event questions

- We ask if the officer's response could have been predicted based upon how they were trained.
- We ask if there was something missing from their training that failed to prepare them to lawfully deal with the event.
- We ask if there was a failure in any of our tools that were utilized.
- We ask if there was a tool that was needed but not available.
- We ask if the same scenario manifested itself tomorrow would the outcome be the same.

The final four.....

Ability or apparent ability – without hindsight, did they have or appear to have the ability to cause great bodily harm or death?

Opportunity – Is there someone present within the range of their ability?

Immediacy – Is the danger present right now or growing more grave at the moment of decision?

Preclusion – Does the situation present such a danger that to consider or attempt lesser measures would prolong the peril?

"THERE'S
A *BAD GUY*,
OFFICER!
DO
SOMETHING!"

"BUT DON'T DO IT TOO SOON...
OR TOO LATE!"

"AND *NOT* IN
DISPROPORTIONATE
NUMBERS!"

AND
REMEMBER,
WHATEVER
YOU DO, YOU
CAN ALWAYS
BE OUR
SCAPEGOAT.

Hersey
© 2001
ALL RIGHTS RESERVED

• THE TRAINING THEY DON'T GIVE AT THE POLICE ACADEMY •

Materials

- Memory Drives
- Remote control
- Power cord / extension / computer
- Shot timer / batteries
- Mock Knife
- Safety lenses
- Two blank fire / blanks
- Weapon simulator for stop stimulus
- Cover jacket