

From: Force Science Research Center [Info@forcescience.com]  
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Force Science News #16  
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I. NEW "FORCE SCIENCE SEMINAR" ON OFFICER-INVOLVED SHOOTINGS: LEARN FIRST-HAND HOW LANDMARK FORCE SCIENCE DISCOVERIES AFFECT YOU

A one-day seminar on the ground-breaking findings of the Force Science Research Center regarding critical lethal-force issues and the impact these studies have on street tactics, courtroom survival and internal affairs investigations is scheduled for June 10 in the Seattle area.

"The Force Science Seminar: Winning Extreme Encounters From Street to Court" featuring FSRC's executive director, Dr. Bill Lewinski, is open to all LE personnel and other professionals engaged in investigating or assessing officer-involved shootings and other significant uses of force. You can register through the sponsor, the Kent (WA) Police Training Center (see details below).

"For the first time, our researchers are scientifically documenting what happens in deadly force confrontations," says Lewinski. "We're studying suspect behavior and officer behavior and the dynamics that influence how they interact--and the results are often very surprising. We're destroying many persistent and dangerous myths and revealing data that is rarely considered in shooting investigations.

"It's important for officers to understand this new information because it directly affects their ability to survive on the street. Beyond that, officers, trainers, IA and homicide investigators, prosecutors, review board members, police attorneys and others need to be up to date on what's really involved in shooting situations or they run the risk that their misinterpretations will ruin an officer's career and life.

"More and more, agencies not only are being sued but officers are being charged criminally or discharged from service after high-profile shootings, when actually they are innocent of wrongdoing. It's just that they and the people investigating and judging their actions simply don't know how to properly interpret the facts and find the truth."

The 8-hour seminar was developed after the progressive Police Training Center reached out to FSRC, seeking a full briefing on the practical applications of new scientific discoveries to officer survival issues.

The material presented will be realistic and easily understood, yet in many cases startling in terms of its ability to change thinking, procedures and consequences. Key topics will include:

--How what is now known about action and reaction times should change officer responses to lethal threats

--What constitutes an imminent threat vs. an immediate threat--and how an officer needs to react to each to stay safe

--Which popular survival shortcuts don't work and actually slow down reaction time

--How a suspect can present a face-to-face threat and end up legitimately shot in the back

--Why ejected shell casings can cause investigators to misread a shooting scene and draw false conclusions

--How tragic unintended discharges really occur--and how they can best be prevented

--Why firing "extra" rounds is often unavoidable and should not be interpreted as evidence of malice

--How "inattentional blindness" and the "funnel of concentration" affect what an officer sees when threatened--and how to improve visual scope and scan

--How "scan patterns," especially when dealing with multiple suspects, affect officer reactions and can lead to misinterpretations of a shooting by eye witnesses

--What 3 levels of debriefing are necessary after a shooting

--How to properly document "state of mind" shootings that can otherwise backfire against officers

--What officers, investigators, and police attorneys need to know about how high stress affects memory--and how "cognitive interviewing" can improve recall

--How and when officer statements should be taken after a life threat to assure the most reliable record

--How the media can be briefed on street realities to improve your chances of fair treatment and defuse community hostility

--How training needs to change to accommodate new discoveries about human performance--and what officers can do on their own in the absence of agency support

--What new Force Science studies are currently underway that promise to change LE tactics and practices in the near future.

During the seminar there will be opportunity to pose questions about force situations you're familiar with and solicit insights from Force Science research that may help you resolve troublesome or controversial issues.

Lewinski, who has specialized in LE behavior and psychology for 30 years, is recognized internationally as a foremost researcher and authority on use-of-force issues. One of the nation's most popular expert witnesses for LE in civil and criminal cases, he has been responsible for saving agencies millions of dollars in adverse judgments and for sparing officers from unjustified convictions and prison sentences. He launched the FSRC last year at Minnesota State University-Mankato.

"The Force Science Seminar: Winning Extreme Encounters From Street to Court" will be held from 8 a.m. to 5 p.m. June 10 at the Washington State Criminal Justice Training Commission Auditorium (the state academy), 19010 1st Ave., Burlien, WA. Admission is \$95. The Auditorium is near the Seattle-Tacoma International Airport, making attendance even from distant spots convenient. Officers and others are expected from multiple states.

To register and reserve seminar space, contact Kent PD Training Officer Bill Blowers at 253-856-5858 or Records Specialist Robin Gaither at 253-856-5853. Blowers is normally available from 0700 to 1700 Pacific time Tues.-Fri. and Gaither from 0800 to 1700 Mon.-Fri., although you can leave voice mail messages for callbacks at any time. Blowers or Gaither can provide full information on registration, confirmation, and personal payment or purchase order procedures. Walk-ins at the door are also permitted if space is available.

Nearby lodging includes:

Doubletree Inn: 206-246-8600  
Holiday Inn Express: 206-824-3200  
Best Western Executel: 206-878-3300  
Comfort Inn: 206-878-1100

All offer government rates and airport shuttle service.

If you have questions or problems, feel free to contact Scott Buhrmaster with the Force Science Research Center via email at [sb@forcescience.org](mailto:sb@forcescience.org) or call (773) 481-4964. You will receive a prompt response.

NOTE: To assure the widest distribution of its important findings and ongoing research, the Force Science Research Center is interested in presenting the "The Force Science Seminar: Winning Extreme Encounters From Street to Court" in other locations. If you would be interested in

hosting this program, please contact us for consideration at sb@forcescience.org or call (773) 481-4964.

## II. NAKED SUSPECTS: NO LAUGHING MATTER

When you're dispatched to a call of a naked person out in public you'd be like a lot of officers if you thought the matter was amusing.

But you'd probably be wrong-and in the worst of circumstances, dead wrong.

Dr. Bill Lewinski, executive director of the Force Science Research Center at Minnesota State University-Mankato, has been tracking encounters between officers and naked adults for more than 20 years.

"Every year or two, an officer is killed by a naked person," he says. "If someone is naked in public and is not drunk, not making a radical political or social protest, or not a paid professional like a stripper, the chances are overwhelming that they're in the midst of a full-blown psychotic episode. In the vernacular, they're really, really crazy...and potentially very dangerous.

"The vast majority of police contacts with mentally ill subjects, of course, are nonviolent. But naked people are among those categories that are particularly difficult."

Lewinski, a behavioral scientist with a strong interest in mental illness, became intrigued by this category of offender in the early 1980s after reading about an officer who was called to deal with a naked man singing from atop a street sign. "Flip remarks that the officer made back to his dispatcher indicated that he took the incident as a joke," Lewinski recalls. "A lot of officers would consider it humorous."

In a matter of moments, the subject was down off the sign and the officer was in a fight for his life. His attempts at empty-hand control were ineffective. When he drew his impact weapon, the suspect grabbed it away and beat him with it. When he ran toward his patrol car, the naked man pursued him, disarmed him of his gun and killed him. "Things weren't so funny any more," Lewinski notes.

"Some of the most dangerous people cops run into are naked offenders. They're usually beyond your ability to influence verbally. They have a heightened capacity to resist OC, impact weapons, even a Taser. Indeed, where Tasers have failed it is most often in circumstances where the subject is severely emotionally disturbed and/or chemically altered.

"If you don't acknowledge nakedness as a danger cue and approach the situation with a strong officer-safety component, you are placing yourself at great risk. More likely than not, these people are in a delusional state and may perceive you as a threat to themselves."

Lewinski recommends a strong show of force at the outset by having multiple officers respond. "The more officers you have present, the safer the subject and the officers are likely to be. More officers equal fewer

injuries," assuming, of course, the cops are tactically astute. If your agency has a mental health communications team, a member of that unit ideally should be among the first to arrive.

"Stay away from the subject initially," Lewinski stresses. "Cops tend to want to close distance, but people in the midst of a paranoid or schizophrenic episode need greater space. Moving close puts you at greater risk because it heightens their agitation and fear.

"Get some object or barrier between you and subject which can slow him down and buy you time if an assault against you erupts."

Unless there is immediate danger, you'll want to attempt dialog, although you will probably need an unconventional "intervention strategy" in order to break through the subject's psychosis to a better level of rationality.

"One of the simplest and most effective techniques was worked out at a mental health facility in Michigan," Lewinski says. "If you're the primary contact officer you let out a sudden, loud scream while dramatically clapping your hands, creating a loud burst that causes the naked person to focus on you. This may momentarily distract him from his psychosis and snap him back to reality. You may then be able to engage him in conversation, build rapport and coax him into cooperation and compliance.

"The only chance this has of working, however, is if you can present a calm face and gentle demeanor by the time the suspect focuses on you. This change has to be immediate, so that by the time he looks at you you appear placid and nonthreatening.

"This may not work. There are no guarantees. At best, it will open a brief door for intervention, which may close again without warning."

Ultimately a use of force may be necessary. Gary Klugiewicz, a popular DT trainer and a member of FSRC's National Advisory Board, teaches an empty-hand control method called the Star Technique for controlling EDPs. But this requires training, teamwork and practice and is not currently available in most departments.

Given the high risk of injury with unpracticed group hands-on methods, the unpredictability of aerosol and electronic weapons, the incapacity for meaningful dialog characteristic of psychotics, and their known capability for explosive violence, realize that deadly force may end up being necessary.

"Although a happier outcome is hoped for," Lewinski says, "the mental and physical preparation to use lethal force should be present in these circumstances from the beginning."

(For a gripping account of how 2 officers dealt with a naked father and his 3 naked children on a major thoroughfare in Kenosha, WI, one morning last week, go to [www.PoliceOne.com](http://www.PoliceOne.com) and click on the article," Officers Share

Dramatic Details of Deadly Encounter With 300-lb. Naked Ex-Con" in Chuck Remsberg's column area listed on the right side of the front page. This report, based on an exclusive interview with one of the officers involved, vividly illustrates the dangerousness and unpredictability that Lewinski describes. It was written by Charles Remsberg, a member of FSRC's National Advisory Board.)

NOTE: If you've had an experience with a naked EDP, we'd like to hear from you. Just email us at sb@forcescience.com with a description of what happened, what was tried in terms of control, what worked and what didn't and what the outcome was. We'll post a representative sampling of responses.

### III. FORCE SCIENCE HELPS WIN VERDICT IN GANGBANGER SHOOTING

A gangbanger...a suspicious cop...a furtive movement by the suspect...a fatal shooting by the cop...and then, no offender weapon found--the perfect ingredients for a toxic cocktail of controversy and compensatory demands.

Now, after 2 tense years and 2 trials, the officer and his agency have been exonerated, in part because of pertinent findings from the Force Science Research Center.

The case began in 2003 when Deputy Max Fernandez of the Los Angeles County (CA) Sheriff's Dept., on patrol in the rough-and-tumble LA suburb of Compton, spotted a teenager dressed in gang apparel exiting from a car parked in front of a residence reputed to be a gang hangout and drug dispensary.

Just as the kid approached the curb, Fernandez parked his squad car head-on to the suspect's vehicle and about 30 feet back, and stepped out. Spotting him, the suspect reached to his waistband, turned and ran back toward his driver's door, Fernandez said later.

As he rounded his front left fender, the suspect continued to keep his hand at his waistband. Then, stretching for his door handle with his left hand, he suddenly and awkwardly thrust his right hand across his torso and back toward the deputy.

Believing the suspect had drawn a gun and he was about to be fired on, Fernandez shot first. The 'banger, later identified as a member of the Palmer Block Crips, went down, wounded. Apparently trying to hide, he crawled under the car, and later died.

Not only was he shot in the back but no gun was found on or near his body.

Eye witnesses reported seeing other gang members of near the car during the turmoil immediately after the shooting. One witness said one of these 'bangers tucked something into his waistband before walking away, but no weapon was ever recovered.

In the dead suspect's car, however, investigators did find multiple rounds of 9mm ammunition, along with a \$28,000 check that had been stolen from a resident of the area when he was shot and killed the day before.

The inevitable lawsuit was filed on behalf of the suspect's survivors against LA County and Deputy Fernandez, claiming the deputy had violated the dead youth's civil rights by unjustifiably shooting him.

The initial trial produced a hung jury.

For the retrial, the defense engaged Dr. Bill Lewinski, executive director of the FSRC at Minnesota State University-Mankato, as an expert witness. In court, Lewinski carefully reviewed his unique studies of reaction time, explaining that Fernandez needed to fire his sidearm as soon as he perceived a threatening action by the suspect in order to protect his own life. Based on his studies of human movement, he also explained that Fernandez's round impacting the suspect's back was consistent with the position the gangbanger had been in when making his threatening motion, as opposed to the deputy deliberately and illegally shooting a fleeing, nonthreatening subject.

FSRC National Advisory Board member Parris Ward produced dramatic animation that helped to bring the reality of the case to the jury.

This time around, the jury found no liability on the part of Fernandez or his agency.

The plaintiffs in this case were represented by attorneys from one of the late Johnnie Cochran's law offices. LASD was represented by counsel for the county, Elizabeth Miller and Dennis Gonzales.

#### IV. NEW STUDIES PROBE EXCITED DELIRIUM AND EFFECTIVE COMMANDS

Two new investigative projects supported by the Force Science Research Center promise to have significant impact on officers' street performance.

In Canada, Chris Lawrence, team leader of the defensive tactics training section at the Ontario Police College in Alymer, has been funded by FSRC to study the best means of teaching Ontario officers to prevent injuries and deaths from excited delirium, the hyper physical and emotional state often associated with in-custody casualties. Lawrence, a member of FSRC's Technical Advisory Board, trains officers in pre- and post-event management of excited delirium.

"It is expected that Chris's findings can be generalized and then distributed internationally," says Dr. Bill Lewinski, FSRC's executive director. "We are excited to be part of this study to shed light on a mysterious phenomenon that has provoked considerable public criticism of law enforcement."

FSRC has also offered encouragement and funding to Dr. Dan Houlihan of the Psychology Dept. at MSU-Mankato. Houlihan has spent much of his

career studying "command-resistant" schoolchildren. At Lewinski's urging, he is now shifting his focus to lethal-force police encounters, hoping to apply his classroom assessment tools to street situations.

"At best," says Lewinski, "we will be able to determine the type and style of commands that are most effective in controlling resistant subjects. At the very least we should be able to identify the commands most likely to fail with various subjects, including those that are command resistant."

Preliminary results from these studies are expected as early as late summer and will be reported in Force Science News.

NOTE: To aid in Houlihan's study, FSRC is seeking videotapes of high-intensity police-subject encounters where commands can be heard and their effect--or lack of effect--can be analyzed. Examples showing ultimately either the use of force, including deadly force, or of a peaceful resolution are needed. Please send copies to:

Dr. Bill Lewinski, Executive Director  
Force Science Research Center  
Minnesota State University-Mankato  
109 Morris Hall  
Mankato MN 56001

Your cooperation and contribution to this important research are greatly appreciated.

#### V. TELLING IT LIKE IT IS

"To be a cop means you experience humanity at a level of skinned-alive intensity."

--from the excellent book "Blue Blood," by NYPD detective Edward Conlon

#### VI. COMING UP NEXT IN FORCE SCIENCE NEWS...

Is the "21-foot Rule," a standby in edged-weapon defense for more than 20 years, still valid...or is it a dangerous myth that should be put to rest?

Force Science takes a look at what the facts say about protecting yourself from getting cut or stabbed by knife-wielding offenders!

Watch your email!

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