



FORCE SCIENCE[®] NEWS

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Broad pre-statement review of body cam footage supported

JUST ANNOUNCED! By popular demand, we're adding an extra **Realistic** De-escalation Course to our schedule. In addition to the classes listed in the "Training" section of our site [[Click here](#) to go there] we have scheduled a de-escalation course for **July 10-11** at the *Force Science Training Center* in Chicago. Registrations for that and all other courses are being taken now.

[Click here](#) for instructions on registering or visit: www.forcescience.org/deescalation.pdf

I. Broad pre-statement review of body cam footage supported

The attorney general of Texas issued an opinion recently that an officer is legally entitled to see all footage from his body camera, *as well as that from the cameras of other officers at the scene*, before giving an official statement about an incident the officer was involved in.

Police critics were quick to allege that this policy "will let officers get their story straight about questionable police encounters before putting anything on record."



“ENTITLED” ACCESS. The issue concerns a section about body-worn law enforcement cameras in the Texas state Occupations Code. That regulation states that an officer is entitled to “access any recording of an incident involving the officer before the officer is required to make a statement about the incident.”

Some agencies, by policy, interpreted this to mean that an officer could review any recording of an incident from his or her own camera but not recordings of the same incident from the cameras of other officers. Other departments, however, granted access to all footage by any BWC at the scene.

Last September, a county DA wrote to Atty. Gen. Ken Paxton for clarification. She pointed out that “an officer who accesses recordings from cameras worn by others may be exposed to images and sounds that the officer did not personally experience.”

Also, she contended, “allowing an officer involved in an incident to access such recordings gives rise to the concern that the officers may embellish their statements based on recordings [of others].” This, she added, “may actually detract from the officer’s credibility when testifying.”

What, she asked, does the law mandate?

CLARIFICATION. Last month, Paxton issued a four-page opinion.

No provision in the law “impliedly restrict[s] the officer’s access rights to only those recordings made by the camera worn by the officer.” The matter, he said, “turns on the meaning of the word ‘any’ in the phrase ‘any recording of an incident involving the officer.’ Texas courts

generally interpret ‘any’ to mean ‘every.’ ” Thus:

“[A]n officer’s entitlement to access ‘any’ of the recordings of the incident means that the officer may choose which recording or recordings to access.” And an agency’s policy “may not defeat an officer’s statutory right to access any recording of the incident before providing a statement.”

There may be “valid arguments for or against” full access, he wrote, but the law as written is “unambiguous.” **Click here** https://www.texasattorneygeneral.gov/opinions/opinions/51paxton/op/2018/kp0185.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term= for Paxton’s full opinion letter.

COLLUSION CONCERN. In essence, the magazine *Texas Observer* reported, “all cops at the scene of an incident get to see everything before any of them are asked to say anything.” This, the magazine worries, will allow officers to “craft a story based on what everyone else saw before going on record” and thereby “get their story straight about questionable encounters.” The magazine quoted a plaintiff’s attorney’s expressed doubts about the legitimacy of police statements under the attorney general’s interpretation.

Observer reporter Michael Barajas wrote that opinions from the attorney general “aren’t legally binding, [but] government agencies typically use them to interpret state law.” The AG’s interpretation, he predicted, “will likely soon trickle down to every department in the state that equips officers with body cameras.”

Our thanks to Force Science Instructor Chris Butler of the Calgary Police Service for

alerting us to the Attorney General's opinion.

II. What situations put you at greatest risk on the street: New report

What kinds of calls for service present the greatest risk of fatal attacks for US law enforcement officers?

Here's the latest grim ranking, according to a newly released updated report from the National Law Enforcement Officers Memorial Fund and the federal DOJ that covers a seven-year span from 2010-2016:

- **Domestic dispute** calls were the most dangerous, accounting for "29% of all fatal calls for service." In the last two years of the study, this category increased by 7% over earlier rankings. This type of call is most predominantly associated with ambushes. Some of these fatalities involved officers being fired on from more than 50 feet away.
- **Disturbance** calls were the next largest group, down slightly from earlier totals but still representing 13% of total call-for-service fatalities.
- **Man with a gun** calls doubled from previous tabulations to take third place with 10% of fatal calls.
- **Shots fired** was No. 4. "This category of call also increased dramatically" over earlier totals, now accounting for 9% of officer deaths, the report states.

The average time on the job for officers slain on a call for service was about 13 years. In nearly one-third of these cases, "the officers were alone when they were killed." In 45%, "officers had been advised

the suspect(s) might be armed, or they had made prior threats," the study finds.

SELF-INITIATED ACTIVITY. Besides analyzing calls for service, the study also rates the relative threats of officers' self-initiated enforcement activities, specifically traffic stops and investigations of suspicious persons and vehicles.

- **Traffic stops** resulting in fatal assaults on officers dominated this category, accounting for more than half the officer deaths. In 21%, the attack occurred before the officer made contact with the violator, mostly while exiting the squad car or approaching the stopped vehicle. Another 22% occurred while making an arrest. But the greatest number of slayings—nearly half— happened "as interaction with the driver and passengers began."
- **Single officers** were involved in over one-third of the traffic stop-related fatalities, while dealing with a vehicle with multiple occupants. As a result, the researchers strongly recommend that backup be dispatched on solo-officer stops to "provide enhanced visibility and protection from a crash but more importantly to [allow] the contact officer to run the necessary checks without having to keep an eye on the vehicle and its occupants."

AMBUSHES. The report reveals that over 60% the officers assassinated by ambush during the study period "were not on a call or engaged in any enforcement activity. One in five of those ambushed "were seated in their patrol vehicles.... Many of [the others] were simply eating, sitting on post, or...targeted and killed while at their home or on their way home.

“The use of rifles was almost equal to the use of handguns in ambush-style shootings, and the overall analysis...showed an increasing distance at which officers were shot and killed.”

In impressive detail, the report counts the toll of officers from a variety of other causes, including blue-on-blue shootings and lack of seatbelt and body armor usage. The statistics are often startling.

For instance, 30% of “officers who were killed in situations where body armor may have provided enhanced protection were not wearing a ballistic vest.” And in one year alone (2016), “52% of officers involved in fatal auto crashes were not wearing their seatbelt.”

The report, titled “Making It Safe,” covers nearly 90 pages and can be accessed free of charge by [clicking here https://ric-zai-inc.com/Publications/cops-w0858-pub.pdf](https://ric-zai-inc.com/Publications/cops-w0858-pub.pdf). It includes instructive case histories and detailed recommendations for improving performance in countering the panoply of threats to police survival.

The size of this document makes for a long printout, but it’s a treasure trove of invaluable training material and roll call reminders.

Our thanks to Force Science instructor Chris Lawrence and to Lt. Glen Mills of the Burlington (MA) PD for sending this report our way.

III. New, free guide on human factors affecting perception & memory

A succinct guide to the human factors that can affect an officer’s memory after a shooting or other use-of-force crisis has

been posted for free access online by Lexipol, the law enforcement policy and risk-management organization.

Click here <https://info.lexipol.com/perception-recall-uof-exp> to download a copy.

The four-page “Explainer Document,” written by two Force Science graduates, is a handy reference for investigators, trainers, administrators, and field officers, as well as for PIOs and others responsible for informing the media and community members about controversial incidents that often desperately need illumination and clarification.

The guide, called “Perception, Recall & Use of Force Incidents,” explains in layman’s language a variety of key cognitive concepts familiar to Force Science followers, including attentional load, inattentive blindness, narrowed focus, auditory exclusion, and other phenomena that can negatively impact an officer’s “ability to process, store, and subsequently recall information.”

The document includes a link to the famous “Invisible Gorilla” video, which shows how easily perception and memory can be innocently distorted from reality.

Understanding the basic concepts described will help ensure better UOF investigations, explain discrepancies between officer accounts and video recordings, and “better communicate to the media and public the dynamic factors that affect officer actions,” Lexipol says.

The authors are Dpty. Chief Jason Helfer, an Advanced Force Science Specialist, and former Chief Mike Ranalli, a

certified Force Science Analyst. **(Also note the upcoming Lexipol webinar featuring Ranalli and Dr. Bill Lewinski of the Force Science Institute described below.)**

IV. Mark your calendar: Cyber crime, de-escalation events upcoming

Apr. 23-25: Law enforcement professionals of all levels and jurisdictions have an opportunity to learn how to better meet the challenges of digital evidence and technology in their criminal investigations during the seventh annual National Cyber Crime Conference in Norwood, MA, near Boston.

Among scores of training sessions will be presentations on Apr. 24 and 25 by certified Force Science Analyst Ken Pennington, a superintendent with the Police Service of Northern Ireland and a world-recognized expert on international counter-terrorism.

Among other things, Pennington will discuss the “Violence Continuum” and the best practices he has found internationally for preventing protests from escalating into terrorism and ultimately into full-blown conflict. He’ll cover practical insights into risk-management, decision-making, engagement, and strategic partnerships involved in countering cyber challenges and other terrorist threats.

Other topics featured at the conference will range widely, including, to name a few:

- Keys to conducting effective smartphone forensic investigations
- Overcoming barriers to accessing digital evidence
- “Tips and tricks” for successful

investigations

- Twitter and other social media intelligence
- Drone investigations and forensics
- “Solving digital cases with three clicks”
- Tools for combating online child sex abuse
- Best practices for finding and recovering deleted text messages
- Search and seizure issues
- Introduction to the “dark net”
- Cyber undercover operations: how to get recruited by ISIS
- Pitfalls to avoid when testifying at trial, and a multitude more.

Click

here <http://www.cvent.com/events/2018-national-cyber-crime-conference/event-summary-c23534b8311048eab9ce451f53f7763f.aspx> for a full course schedule, additional information, and online registration.

May 10: Some police critics and well-meaning but naïve civilians have come to expect officers to use de-escalation techniques in nearly every encounter. But in a free, hour-long webinar, sponsored in partnership with the Lexipol organization, two Force Science representatives will discuss the more complicated reality.

The program, “De-escalation: When & How to Make It Work,” will feature Dr. Bill Lewinski, executive director of the Force Science Institute, and former Chief Mike Ranalli, a certified Force Science Analyst and Lexipol program manager.

Among other topics, they’ll explore:

- How to minimize risk to yourself and others when confronting people who are mentally ill or otherwise in emotional crisis
- Which situations are most suited for de-escalation—and which aren't
- The current state of case law on de-escalation tactics
- Strategies for making contact, building rapport, and wielding influence when dealing with people in crisis
- Actions to consider when de-escalation fails.

The program will be presented live, with the opportunity to ask questions of the speakers, beginning at 1 pm Eastern time. **Click here** <https://info.lexipol.com/webinar-deescalation-fsj> to register.

If you are unable to attend the live session, register anyway and then you will automatically receive a link to the recording that you can access after the broadcast.

For more important information on the topic of de-escalation, be sure to check out one of Force Science's *Realistic De-escalation* courses as mentioned at the top of this transmission. You can also call us for more information on these classes at (312) 690-6216 or e-mail the training staff at: **training@forcescience.org**

Written by Force Science Institute
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