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### **One Officer’s Wild Encounter with “Excited Delirium”**

#### **In this edition:**

- I. ONE OFFICER’S WILD ENCOUNTER WITH “EXCITED DELIRIUM”
- II. FSRC OFFICER-SHOOTING SEMINAR COMING UP FAST...REGISTER NOW
- III. DO YOU HAVE A RESEARCH PROJECT IMPORTANT TO COPS?

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#### **I. ONE OFFICER’S WILD ENCOUNTER WITH “EXCITED DELIRIUM”**

To read about the hyperaggression and superhuman stamina of a suspect in the throes of excited delirium is one thing.

To experience it face to face with your life on the line is vastly different, especially when one of your .40-cal. rounds has blown up your attacker’s aorta and another has drilled into his spine and he still keeps struggling and threatening to kill you and when a K-9 that’s supposed to be helping you is instead chewing into the hand supporting your gun and when the dog finally lets go he attacks his handler and you’ve got to rescue him and you’re trying to control this whole crazed scenario in the middle of a high-speed roadway.

That unforgettable challenge confronted Ofcr. James Peters, 30, a 6-year veteran of the Scottsdale (AZ) PD. With the help of an advisor to the Force Science Research Center, Peters was exonerated this spring in a shooting that ultimately proved fatal to a classic ED subject.

It was the third shooting in Peters' short career. Incredibly, he's had a fourth since then, in which he killed a truck jacker who was holding a gun to the head of a supermarket meat cutter he'd taken hostage at the end of a police pursuit.

Scottsdale's legal advisors declined to let Peters be interviewed, but Sgt. Todd Larson, who worked the ED case as a homicide investigator, supplied Force Science News with exclusive details.

"I've never seen anything like this in my life," says Larson, a former SWAT sniper who has worked homicides prosaic and bizarre for more than 13 years. "With everything he had to cope with, Officer Peters' actions were absolutely heroic."

The horror-movie encounter started in the pre-dawn darkness of a Monday morning last October when Peters and K-9 Ofcr. Dave Alvarado heard a radio call about an attempted break-in of a car in the lot of a large automobile paint and body repair complex.

A security officer reported he had discovered that a window of the car had been smashed. He'd spotted an unidentified W/M nearby, "acting strange" and seemingly "on something." When challenged, the man peeled off an outer shirt, claimed he had a gun, and picked up a 40-lb. landscaping rock and hurled it at the guard. As typical, few of these details were included in the barebones dispatch Peters and Alvarado heard, but the dispatcher did make clear that the suspect had thrown a rock and claimed to have a gun.

Alvarado should have gone off-duty about 15 minutes earlier and Peters, "a very assertive patrol officer" who was about to be transitioned to an elite street-crimes unit called HEAT (High-Enforcement Arrest Team), was nearly 3 hours past his normal shift. But they were busy trying to locate some suspects who'd fled from a stolen car and other crimes.

The repair complex was only a mile or so away and the description of the troublesome subject there was a general match to one of the suspects they were looking for. Alvarado, driving a K-9 SUV, was assigned as backup for the call. Peters, who was in uniform but driving a black unmarked unit, decided to respond too, intending to surreptitiously check out the vicinity.

Following closely behind Alvarado on the 6-lane thoroughfare that runs past the repair complex, Peters noticed the K-9 officer make a U-turn near the property and head toward a driveway. Then apparently having spotted something, Alvarado abruptly stopped, blocking 2 lanes of southbound traffic. Simultaneously, Peters saw a shadowy figure run across the pavement from the opposite side of the road and approach behind Alvarado's SUV.

Then as the K-9 handler was stepping out of his unit, Peters saw the threat.

The figure, a white male with a substantial build, was clutching an 18-in. length of pipe with a square metal plate welded to one end, like a stanchion. He moved fast around Alvarado's rear bumper, raised the pipe with both hands over his head, and swung with full force down at the officer.

Alvarado saw the attack in time, back-peddled, and dodged the blow. He drew his sidearm but didn't shoot for fear of striking traffic whizzing by in the background.

Peters slammed his car into PARK in the northbound lanes, bailed out, and started shooting "all in one move," he told Todd Larson. Later his car door was found to be so badly bowed by the force of his thrusting exit that it had to be repaired before it could be closed. "He was in immediate fear for Alvarado's life," Larson explains.

At the sound of Peters' Glock 22, the suspect, initially more than a lane-and-a-half away, turned toward the officer, raised the pipe back over his head, and charged. Peters kept shooting, 4 rounds in all. The first 2, it is now believed, missed the suspect and hit the wall of a storage building in the background.

The assailant had closed to within 7 feet of Peters' when he suddenly stopped. The pipe slowly dropped to his side in his right hand, then to the roadway. The suspect himself went down, his face thudding against the pavement. "I knew I'd hit him," Peters said, but he wasn't sure how many times.

Twice, as it turned out. Between the 2 rounds, the suspect's aorta was penetrated, the major artery in his body, as was the vena cava, the major vein. One round lodged in his spine, having bored into the C-6 vertebra. The medical examiner told Larson that if the suspect had been on an operating table at that instant with surgeons standing ready, his life could not have been saved.

He should have been dead right there. But instead he was struggling on the ground, trying to get up, "licking blood off his lips," and continuing to rant that he had a gun and would kill the officers.

Peters was covering him while calling in the shooting and praying that the traffic oncoming at 50 to 60 mph in the southbound lanes could brake or swerve quickly enough to dodge the sudden crime scene.

He looked up and saw that Alvarado had released his K-9, a muscular Belgian Malinois named Rocky, from the SUV. In an apparent flash of confusion, the dog was charging hell-bent for Peters. "I knew I was going to take a bite," he told Larson.

The dog clamped his jaws like a vice on Peters' left hand, which was supporting his Glock in a 2-hand hold. "Peters stayed unbelievably cool," Larson says. "He knew if he

struggled or pulled away, the dog would just chew harder. So he tucked his hands in close to his chest to better steady the gun and let him bite.”

As soon as he realized what was happening, Alvarado ran over, got Rocky to release, and put him in a down position. Peters’ hand was bleeding from the dog’s sharp teeth and he wanted to avoid blood-to-blood contact with the wounded suspect, so he continued to cover while Alvarado started handcuffing.

Alvarado got the right cuff on when the suspect suddenly threw his left elbow back so fast it caught the officer off-guard. Alvarado was fighting to get the suspect pinned when, Peters later told Larson, “I could hear the K-9’s claws on the pavement coming toward us.” He saw the dog “launch”—and sink his teeth this time into his handler’s triceps.

Two years earlier, as a member of Scottsdale’s SWAT team, Peters had attended a class that taught non-K-9 officers how to take a dog off bite. As Alvarado continued to fight to get the tenacious suspect under control and into cuffs, Peters grabbed Rocky’s collar used what he remembered to get the dog to let go.

Alvarado finally got both cuffs on. The suspect persisted in resisting, spitting and kicking. He alternately shouted threats to kill the officers, demanded that they kill him, and babbled gibberish. Brakes screeched around them as near-misses in the roadway traffic multiplied.

“I’ve got to end this now,” Peters decided. He spotted a patch of bare skin near the suspect’s hip. Placing his foot on the handcuff chain to keep the man’s arms down, he grabbed his Taser X26 and delivered a drive-stun to the bare spot.

The suspect went limp long enough for the officers to bind his legs with Ripp restraints. When paramedics and other officers arrived, he struggled anew, trying to sit up, spitting blood, and claiming he had a derringer he intended to use. Of course he was thoroughly searched before being placed, squirming, in an ambulance. No gun was ever found. He was pronounced dead at a hospital 38 minutes after Peters and Alvarado responded to the initial radio call.

Investigation revealed that the 31-year-old suspect, Mark Wesley Smith, was a petty criminal with a persistent history of methamphetamine use. He’d been out of prison just 4 days after serving a term for drunk driving and drug possession. Much of that time, according to a relative, he’d been up on meth.

As part of the investigation of any officer-involved shooting in Arizona, a case file is submitted to the county attorney, who convenes a deadly force review board to assess the matter. In addition, in Scottsdale findings from both internal affairs and criminal investigations are brought before a departmental use-of-force review board.

To compile as complete a dossier as possible, the PD's investigators thought it important to explain how Smith had been able to maintain his remarkably high level of resistance after being so gravely wounded. Even the medical examiner seemed at a loss to comprehend it.

A sergeant in the investigative circle remembered reading reports about excited delirium that have been published in Force Science News, the free newsletter emailed biweekly to LE professionals from the Force Science Research Center at Minnesota State University-Mankato. Smith seemed to match many of the indicators described in those articles, from breaking glass and running in traffic to exhibiting colossal stamina and immunity to pain.

Investigators contacted the Center's executive director, Dr. Bill Lewinski, for more information. He referred them to Chris Lawrence, a trainer at the Ontario Police College at Alymer, Ont., in Canada.

Lawrence is recognized as one of the preeminent law enforcement authorities on ED and is a member of FSRC's technical advisory board. He agreed that the shooting had strong overtones of an ED confrontation, and he provided extensive research materials that helped explain the role methamphetamine abuse could have played in provoking the delirium phenomenon in Smith.

In consultation with Lawrence, Todd Larson crafted a PowerPoint program on ED that he presented both to the county and the departmental review boards as part of his investigative report on the shooting.

Last April, after Peters' shooting had ground through the investigative process for some 6 months, Scottsdale police finally announced that Peters had been cleared of any wrongdoing or use of excessive force in the encounter. Any doubt that deadly force was the only reasonable response to the circumstances he faced were officially laid to rest.

Similar findings had been made in Peters' 2 previous shootings. In the first, he was one of several officers who fired rounds at a threatening suspect during a SWAT call out for a domestic. In the second, he shot and killed a disbarred lawyer who was creating a public hazard by pacing the banks of a canal and pointing a shotgun.

Less than a week after his exoneration in the Smith case, Peters was back in the news with his fourth shooting. This time a young gunman had hijacked a donut delivery truck in Peoria, AZ, and had led police on a 40-mile chase into Scottsdale. With officers close behind, the frantic truck jacker ran into a supermarket and grabbed an elderly butcher around the neck as a hostage.

He was trying to escape out of an emergency exit while using the hostage as a shield when Peters, who had responded from another assignment nearby, fired 2 shots from a

rifle and killed him. The rounds tore his face away. Police established his identity through fingerprint analysis.

Without a doubt, the grateful hostage told the media, he would have been killed by the gunman if Peters had not shot first. Like Larson, he termed Peters a hero.

Meanwhile, Larson has asked Lawrence to conduct classes for Scottsdale personnel on ED and effective response tactics for dealing with it “so we can train for the future.”

At this writing, James Peters’ shooting remains under investigation. Peters remains on patrol with HEAT, targeting felons and other high-risk offenders. And in his personnel jacket remains a sheaf of superior-performance citations collected from his days and nights on the street.

“Obviously,” says Larson, “he’s an officer who can make the right decision under pressure.”

\*\*\* EDITOR’S NOTE:

For more on excited delirium, check out these 6 excellent articles:

– 10 training tips for handling excited delirium

<http://www.forcesciencenews.com/home/detail.html?serial=29>

– Do’s and don’ts of handling excited delirium suspects: Part 1

<http://policeone.com/writers/columnists/CharlesRemsberg/articles/134670>

– Do’s and don’ts of handling excited delirium suspects: Part 2

<http://policeone.com/writers/columnists/CharlesRemsberg/articles/134671>

– The varied faces of excited delirium

<http://policeone.com/writers/columnists/ChrisLawrence/articles/120458>

– Excited delirium and its medical status, Part 1

<http://policeone.com/writers/columnists/ChrisLawrence/articles/121675>

– Excited delirium and its medical status, Part 2

<http://policeone.com/writers/columnists/ChrisLawrence/articles/126389>

## **II. RESERVE YOUR SPACE NOW AT FSRC OFFICER-SHOOTING SEMINAR**

Only a few days remain to register for the upcoming seminar on “Understanding and Investigating an Officer Involved Shooting,” co-sponsored by the Force Science Research Center.

This unique program features the latest information on what actions to take to assure the best possible outcome for officers and agencies after a major use of force, including lethal encounters with controversial racial overtones. Headline speakers include FSRC’s Dr. Bill Lewinski, who will highlight critical research findings that can totally change the interpretation of many police shootings.

Proceeds will help finance future law enforcement research by FSRC at Minnesota State University-Mankato.

Walk-in registrations will be accepted, but you’re encouraged to register in advance for the seminar, June 29-30, at the Monarch Hotel and Conference Center, 12566 SE 93rd Ave., Clackamas, OR, near the Portland airport. Admission is \$275, with discounts for 3 or more attendees from the same agency.

For more information or to register, contact Kathy Pearson at 541-342-8100 or visit [www.snyderandhoagllc.com](http://www.snyderandhoagllc.com).

## **III. DO YOU HAVE A RESEARCH PROJECT IMPORTANT TO COPS?**

Within the next few months, the Force Science Research Center will launch its new Force Science E-Journal, an on-line, peer-reviewed posting of research articles related to the human factors in line officers’ use of force.

A number of articles are undergoing the review process now, but we are eager to receive more to sustain the flow of new information on this vital subject. Whether you’re a law enforcement professional or an academic, we’d like to consider your research findings.

For preparation and submission guidelines, go to: [www.forcescience.org/e-journal](http://www.forcescience.org/e-journal).

What you report today may have a critical impact on an officer’s survival on the street or in court tomorrow.

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Written by Force Science Institute

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