
NEWSLETTER

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REGISTER NOW FOR THE SAN ANTONIO CONFERENCE



2015 IADLEST Conference

It looks like this will be our biggest conference yet! We have at least 65 International attendees from 14 different countries we are expecting! We are 80% full on our room block at the Hyatt Regency San Antonio. Be sure and register before the price increase on May 1, 2015. We still have a few spots left for exhibitors, and some sponsorship opportunities are still available.

Don't forget to bring something for our live auction to help raise money for the Special Olympics! If you have any questions about registration or would like more information on this conference, please contact Yvonne Pfeifer at Yvonne@iadlest.org See you in June!



San Antonio, Texas Riverwalk District

San Antonio, Texas
May 31 – June 3, 2015

Editorial Note: The IADLEST Newsletter is published quarterly. It is distributed to IADLEST members and other interested persons and agencies involved in the selection and training of law enforcement officers.

The IADLEST is a nonprofit organization comprised of law enforcement training managers and leaders. Its mission is to research and share information, ideas, and innovations that assist in the establishment of effective and defensible standards for the employment and training of law enforcement officers.

All professional training managers and educators are welcome to become members. Additionally, any individual, partnership, foundation, corporation, or other entities involved with the development or training of law enforcement or criminal justice personnel are eligible for membership. Recognizing the obligations and opportunities of international cooperation, the IADLEST extends its membership invitation to professionals in other democratic nations.

Newsletter articles or comments should be sent to IADLEST; 1330 North Manship; Meridian, Idaho 83642; or Yvonne@iadlest.org.

MEETINGS SCHEDULED

The next Executive Committee is scheduled for 12:00 noon, May 31, 2015. The Business meeting is scheduled for 9:30 a.m., June 2, 2015. Both meetings will be held at the Hyatt Regency; 123 Losoya Street; San Antonio, Texas 78205 at the San Antonio Riverwalk.

THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

On March 2, 2015, President Obama's Task Force on 21st Century Policing released its interim report of recommendations on how to enhance and improve community-police relations. A copy of the report can be found at: http://www.cops.usdoj.gov/pdf/taskforce/Interim_TF_Report.pdf

Some of the recommendations and actions set forth in the Task Force report include the following:

2.15 RECOMMENDATION: The U.S. Department of Justice should partner with the International Association of Directors of Law Enforcement Standards and Training

(IADLEST) to expand its National Decertification Index to serve as the National Register of Decertified Officers

The National Decertification Index is an aggregation of information that allows hiring agencies to identify officers who have had their license or certification revoked for misconduct. It was designed as an answer to the problem "wherein a police officer is discharged for improper conduct and loses his or her certification in that state. . . [only to relocate] to another state and hire on with another police department."⁴⁹ Peace Officer Standards and Training (POST) boards can record administrative actions taken against certified police and correctional officers. Currently the criteria for reporting an action on an officer is determined by each POST independently, as is the granting of read-only access to hiring departments to use as part of their screening process. Expanding this system to ensure national and standardized reporting would assist in ensuring that officers who have lost their certification for misconduct are not easily hired in other jurisdictions. A national register would effectively treat "police professionals the way states' licensing laws treat other professionals. If anything, the need for such a system is even more important for law enforcement as officers have the power to make arrests, perform searches, and use deadly force."⁵⁰

⁴⁹ "National Decertification Index—FAQs," accessed February 27, 2015; https://www.iadlest.org/Portals/0/Files/NDI/FAQ/ndi_fa_q.html

⁵⁰ Roger L. Goldman, "Police Officer Decertification: Promoting Police Professionalism through State Licensing and the National Decertification Index," *Police Chief* 81 (November 2014): 40–42, http://www.policechiefmagazine.org/magazine/index.cfm?fullaction=display_arch&article_id=3538&issue_id=112014

5.1.3 ACTION ITEM: The Department of Justice should build a stronger relationship with the International Association of Directors of Law Enforcement (IADLEST) in order to leverage their network with state boards and commissions of Peace Officer Standards and Training (POST).

The POSTs are critical to the development and implementation of statewide training standards and the certification of instructors and training courses, as well as integral to facilitating communication, coordination, and influence with the more than 650 police academies across the nation. This relationship would also serve as a pipeline for disseminating information and creating discussion around best practices.

PAY DUES WITH CREDIT CARD

IADLEST membership renewals are due January 1. Dues are in the arrears April 1. IADLEST accepts credit card payments for membership renewals. Members can log on to www.iadlest.org and click on "Join Now." Select "membership renewal," enter the member's user code, password, and provide the requested information.

New members can log on to the IADLEST web page and follow the prompts.

Should you need a paper invoice, contact the IADLEST office at (208) 288-5491 or e-mail your request to info@iadlest.org.

IADLEST AUDITED: INDEPENDENT AUDITORS' REPORT PUBLISHED

The accounting firm of Crandall, Swenson, and Gleason, Chtd., Certified Public Accountants, 1110 N. Five Mile Rd.; Boise, ID 83713 conducted an independent audit on the IADLEST 2013 bookkeeping practices and financial records.

The firm stated in part: "In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of International Association of Directors of Law Enforcement Standards & Training as of December 31, 2013; and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America." For the full report click on: <https://www.iadlest.org/Portals/0/2013%20Audit%20Report.pdf>

WELCOME NEW MEMBERS

The IADLEST is proud and privileged to add the following new members. These professionals complement our Association's already extensive wealth of talent and expertise. We welcome them to the IADLEST.

Thomas Adams, POST, Helena, MT
Dale Bode, Honolulu PD, Waipahu, HI
Brian Brooks, PD, Hillsborough, NC
Clay Calkins, PD, Milwaukee, WI
Robert Ciancio, PD, Milwaukee, WI
Jami Cook, POST, East Camden, AR
Richard Desjardins, San Juan Co., Kirtland, NM
Jimmy Farris, San Juan Co., Farmington, NM
Gerald Gallagher, Lackawanna College, Hazleton PA
Gerald Gallagher, Lackawanna College, Hazleton PA
Terrence Gordon, Police Acad., Randolph, MA
Maryann Grippo, EbevyYG Learning, Harrisburg, MA
Duane Hampton, Lackawanna College Scranton, PA
Trisha King Strargel, King Co. Sheriff's Office, Seattle, WA
Gabe Marruso, Texas A&M, College Station, TX
Elizabeth Morris, POST, Richmond, KY
Aimee Obregon, Arkansas POST, Eat Camden, AR
Samuel Reed, New Carrolltion PD, New Carrolltion, MD
Alice Robinson-Bond, Novi PD, West Bloomfield, MI
Gerald Ross, Gwinnett Co. PD, Lawrenceville, GA
Glen Stinar, POST, Albany, NY
Thomas Taflinger, Wyoming Academy, Douglas, WY
Lara Thomas, POST, Nashville, TN
David Tyrol, Tennessee Trng. Academy, Nashville, TN
Fred Weatherspoon, POST, London, OH
Keith Wuotinen, POST, Vassalboro, ME
E. Beverly Young, Phd., POST, Vassalboro, ME

POST DIRECTOR CHANGES

Arkansas: Jami Cook was appointed as the Director of the Arkansas Commission on Law Enforcement Standards and Training on January 14, 2015, by Governor Asa Hutchinson. Prior to her appointment, she served as the Arkansas State Police Program Director, responsible for policies, procedures, training, strategic planning, research and development, and special projects. In 2009, she was appointed as a Commissioner to the Commission on Law Enforcement Standards and Training. She started her law enforcement career as a Newport Police officer in 1994.

Director Cook earned a Bachelor of Arts in Criminology at Arkansas State University and a Master of Arts in Criminal Justice from the University of Arkansas, Little Rock.

ENHANCING COMMUNITY RELATIONSHIPS

The Bureau of Justice Administration has a resource guide for increasing community trust, called *Resource guide for enhancing community relationships and protecting privacy and constitutional rights*. This resource can be found on the IADLEST website under Member Services, Resources; or at this link: <https://www.bja.gov/Publications/CommRelGuide.pdf>

INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW ENFORCEMENT STANDARDS AND TRAINING

*by: Lyle Mann, Director, Arizona POST; Mark Perkovich
and Michael Nila, Blue Courage*

Presidential Task Force on 21st Century Policing

In light of recent events, the Presidential Task Force on 21st Century Policing is examining a number of high-profile issues surrounding strengthening public trust and fostering strong relationships between local law enforcement and the communities that they protect. The 21st Century police force will require new skills and approaches to strengthen public trust and strategies for effective crime reduction. Much of the public's perception of law enforcement has been underscored by recent events and the national spotlight has been thrown upon deeper issues of damaged trust between citizens and the officers that serve them.

As with all upheavals, these issues will bring to light new approaches for improving public trust and will require time and effort to disseminate positive changes across our nation. Depending on the outcomes of the Task Force and the recommendations that emerge, we would like to make you aware of our association and the impact we can have on setting national standards for law enforcement and changing or augmenting training, both for basic recruit officers as well as in-service or continuing education. Changing cultures will require

effective training programs for law enforcement in the 21st Century.

The International Association of Directors of Law Enforcement Standards and Training (IADLEST) is a national entity representing all Peace Officer Standards and Training (POST) commissions, and we have long recognized the need for federal and state partnerships in meeting America's widening law enforcement training needs. Our mission is to research, develop and share information, ideas, and innovations that assist states in establishing effective and defensible standards for employment and training of law enforcement officers. Almost every state has a POST, directly tasked with creating minimum standards for employment of all law enforcement officers, minimum standards for the basic training of all law enforcement officers, as well as the licensing or certification of those officers. IADLEST operates the National Law Enforcement Academy Resource Network that links every law enforcement academy in the nation together for sharing resources, training, information and best practices. IADLEST also operates the National Decertification Index, which is an aggregation of information that allows hiring agencies to identify officers who have had their license or certification revoked for misconduct.

Because every state POST agency is tasked with setting minimum standards for the training of all law enforcement officers in their state, each POST has experts that develop curriculum, conduct job task analysis, and deliver training both in person and through distance learning to every law enforcement officer within their state. IADLEST is capable of establishing a national training infrastructure, utilizing existing statewide law enforcement training entities. Under our direction, and in cooperation with Federal partners, vital training could be rapidly identified, developed, delivered, and tested. IADLEST has done this successfully for several programs utilizing both classroom-based instruction and, as appropriate, leveraging existing distributed and self-paced learning methodologies. With IADLEST's national reach and access to subject matter experts in every State, an immediate solution to scaling

and distributing training nationwide is available. This can assure adequacy and effectiveness of all offerings, satisfaction of diverse state approval requirements, and direct access to all agencies.

IADLEST is already in the vanguard of changing culture. This culture change is being accomplished through a training program called “Blue Courage.” The training is a transformational process that focuses on the human development of law enforcement professionals. Few professions are more physically, mentally, and emotionally demanding than law enforcement. Blue Courage addresses personal challenges many officers face, such as cynicism, identity, judgment, integrity, leadership, and stress management. One of the primary focuses of this training is to train officers on how to build relationships and trust with the communities they serve.

During this training, nine modules are taught: 1) Foundations of Courage: teaches the current and future state of policing, why Blue Courage is necessary, definition of Blue Courage and defining the heart and mind of a guardian. 2) Police Culture: understanding the influences of the police culture, the healthy and unhealthy aspects and how we influence and transform culture. 3) The Nobility of Policing: embracing the purpose and meaning of the “Guardian,” the history of policing and the responsibilities and tools of the Guardian. 4) Respect: reframing how police officers think about respect, understanding respect as a foundation of relationships, community trust and procedural justice. 5) Resilience and Hope: understanding stress and our response to the challenges of policing; learning the practice of regulating emotions, storing resilience and energy, and developing the capacity to perform at peak levels under adverse conditions. 6) Positive Psychology: learning the power of reframing cynicism and apathy into positivity and gratitude. Learning the physical, cognitive and emotional responses to a brain in “positive” versus negative or neutral. 7) Practical Wisdom: discretion and judgment are essential to effective policing – practical wisdom teaches the highest form of ethical judgment. “Doing the right thing, in a particular circumstance, with the

people engaged with, at the time, that serves the mission and purpose of policing.” 8) Health and Wellness: learning the simplest practices that promote health and wellness in all four dimensions: Physical, Mental, Spiritual, and Emotional. Learning how to ritualize practices that promote health and wellness. 9) The Immortal Cop: understanding we are not immortal but the work we do is. Policing is a legacy profession. Our actions become part of the fabric of our citizens lives – what and how cops police, matters. This training elevates the sense of responsibility police officers have for their chosen profession.

IADLEST, through a grant from the Bureau of Justice Assistance is presently delivering this training to law enforcement officers and training academies nationwide. It is designed to change the culture of law enforcement by reaffirming the core values of policing and by extension, to help neutralize the public’s current views that police have become militarized. This training is reshaping officer’s perception of their fundamental role not as warriors but as guardians and protectors of the constitution and the citizens they serve.

Today’s law enforcement professionals are highly trained and highly skilled operationally. While skill training is essential today, it is not complete. The behaviors that tarnish police agencies and the badge in general are also placing officers at risk every day. It is not tactical skills that officers are lacking, but rather essential attitudes of the heart and the general mindset of officers that needs to be addressed.

Blue Courage is a prime example of training that helps bridge the gap between officers and the public. Officers are taught to go beyond learning tactical and critical incident survival and develop skills that ensure their readiness to both prevent and recover from the aftermath of incidents. More importantly, this training reignites a sense of passion, purpose, and commitment to policing and reawakens the officer’s moral compass to give them the courage to do what is right by improving decision-making skills while under pressure, understanding how to build relationships and trust within the community, and developing an

organizational culture of learning, critical thinking, tolerance, and curiosity.

Training has a critically important impact on the police culture that influences the way agencies operate and the way officers conduct themselves. To be effective in changing culture, training must begin with recruit training and continue throughout an officer's career. IADLEST is the only national organization with a system capable of influencing every law enforcement training institution in the nation on this scale.

IADLEST stands ready to work with the task force to develop training that can be incorporated into law enforcement training nationwide, from basic recruit and throughout an officer's continuing education and training.

**WHEN THE LOOP BECOMES A SWIRL:
THE COMPLEXITIES OF DECISION
MAKING IN MODERN POLICING.**

*by: David J. Simonetti, Hagerstown Community College
Police Academy*

Much has been written in recent years surrounding the way in which John Boyd's OODA-loop concept is applied to law enforcement. In training, we use the *Observe-Orient-Decide-Act* model both to describe the ways in which officers process situations and to teach those same officers to find ways in which to "interrupt" the thought processes of suspects in street encounters. For the average suspect, the process is relatively simple but, for the modern law enforcement officer, the process has become quite complex.

Today, there are a myriad of factors that influence every decision made by a law enforcement officer. In the high-stress moment of a subject stop, the time in which these decisions are made is crucial. If we look back to a time in policing prior to the Warren Court, the burden of decision-making was a bit less onerous. There was no *Terry*, and officers also had the latitude to apply a very broad interpretation of exactly what might constitute probable cause. With respect to use of force considerations, some of us (although we might not want to admit it) remember a time not so

long ago when the use of force decision was a simple one. Force was either lethal or limited to two options - physical techniques and/or striking a subject with whatever blunt force object was issued or at hand.

To be sure, over the last thirty years, we have added quite a bit to the decision making mix. So, today, an officer's movement through the OODA-loop provokes a much more complex thought matrix than ever before. In truth, every officer-suspect encounter entails not just one, but many OODA-loops. To better illustrate this "multi-loop process," let's consider the progression of OODA-loops during an average traffic stop.

In the first loop, an officer observes a violation, orients to the location, tag number and vehicle description, decides to stop the vehicle, and activates emergency equipment to do so. The activation of the emergency equipment is the *Act* which closes the first loop. In the second loop, the officer observes the stopped vehicle and any obvious behavior of the driver and passenger. The orientation phase here consists of the officer's threat assessment. Is this a routine stop? Should I ask for another unit? What's the passenger doing in there? The officer, seeing no obvious threats, decides to exit the cruiser and approaches the driver, the *Act* that closes the second loop. As the routine stop is conducted, several more loops will open and close.

The multi-loop process will run uninterrupted until such time that, typically during the orientation phase of a loop, the officer *perceives a threat*. In the best case scenario, the officer will process the threat stimuli and make the right decision about how to respond. This is not an easy task, however, as the modern law enforcement officer has a host of things to consider in making that decision: Am I justified in using force? What level of force should I use? Am I confident in my ability to prevail? Who is taking video of this? Did I turn my video camera on? In contrast, the suspect in this scenario has only to decide whether to flee, attack, or comply.

It is when this presentation of a threat occurs during the *Orient* phase that we see officers

either continue through the loop and act appropriately or become stuck in what I refer to as “the swirl.” In the swirl, the officer’s current OODA-loop runs continuously and either never closes, or closes inappropriately. That is, an officer stuck in the swirl will either a.) “Hang” in the *Orient* phase and fail to make any decision or take any action in response to the threat or, b.) Jump to the *Act* phase without giving due consideration to all of those pesky questions and, inevitably, do something regrettable in the process. Even after the “lethal or less-lethal” question is answered, the average officer now has to choose between three different less lethal weapons. In training, we see both recruits and seasoned officers become hung up on making that choice alone. Often, they resort to going “hands on” because they cannot make the choice quickly enough. If an officer stuck in the swirl jumps to *Act* without processing through *Orientation* and *Decision*, he or she may, in one example, draw his or her service weapon without justification. Such action is, at best, an impediment in a situation requiring less-lethal force and, at worst, the precursor to an unjustified use of lethal force.

From a training perspective, I think it is helpful for trainees to visualize themselves working through each loop during a given exercise. They are introduced to the concept with a classroom presentation and, when engaging in practical exercises, are sometimes verbally reminded to “close the loop!” We need to train them to engage that next OODA loop – to observe and orient before deciding and acting on instinct alone. In the end, things need to be slowed down both in training, so trainees can see how the processes work, and in the field, so that officers can make good decisions. The latter, however, can only be accomplished safely with effective use of cover.

Indeed, we teach officers to take cover when a suspect brandishes a firearm but we *should* teach them to take cover when a suspect displays *any* aggressive behavior. This gives them time to orient to the situation and to decide on an appropriate response in an environment where there is some physical barrier between officer and suspect. If the suspect presents a firearm,

the officer will already have cover as he or she transitions to a deadly force option.

Thus, there are two core concepts introduced here that, I hope, will have a positive impact on the kinetic training of law enforcement. First, encourage trainees to employ the multi-loop process to break down their actions on a scene and in subject confrontations. Just as one builds “muscle-memory” from repetitive physical action, one can build “action-memory” from repetitive examination of the thought processes that precede action. Second, we have to train them to employ cover when possible, not just in gunfights, but in every suspect interaction. Training officers to put a vehicle fender in between a suspect and themselves during a field interview is easy to accomplish and provides a significant reaction gap and OODA-processing advantage. I believe that the introduction of these concepts in both entry-level and advanced law enforcement training will both, increase officer safety and decrease unjustified use of force incidents. I appreciate the opportunity to present them here and hope that this will prompt discussion as we work to continually improve law enforcement training.

GENDER DIFFERENCES IN LAW ENFORCEMENT TRAINING

*by: Leigh Bennett and Steve Hemenway
U.S. Department of Homeland Security,
Federal Law Enforcement Training Center*

In the early 1900,s, women entered the field of law enforcement. One hundred years later, women still make up a small percentage of the law enforcement population. The struggles for women to be accepted and valued in a predominantly male occupation have been well documented and discussed at great length. In the United States, few would argue that men and women are of equal value and that the representation of both genders in the law enforcement community makes it stronger. Likewise, few would argue that performance standards need to be met and maintained equally by all that enter into law enforcement. The question, becomes, in our effort to promote equality have we lost sight of the important and

unique differences that both genders bring to the table?

As instructors, we need to understand gender differences and how those differences impact learning so we can teach our students more effectively. Although most students are capable of learning the tasks required to become a police officer, some women tend to have more difficulty grasping concepts and performing tasks during training. This does not mean that females are incapable: it indicates that there is a difference in how they learn compared to their male counterparts and that there is a need to adjust training in order to help them succeed. There are no absolutes in this discussion. Some women are very successful without any accommodations and conversely, some men struggle during training.

One difference is the way we communicate. Women tend to prefer talking through issues and utilizing non-verbal cues. Men tend to be more task-oriented and less talkative (Hensley, 2009). Men have the ability to infer information about topics delivered during the average law enforcement class. This may be based on previous training, background, and interests. Women require more data in order to fully comprehend a subject (Farnam & Nicholl, 2002). Having information presented in context enhances learning for most women. Many males find the overuse of details boring and unnecessary.

By providing context, the instructor is filling in the blanks that a female student may not be able to otherwise comprehend. It may be helpful to provide additional information about a subject in the form of analogies or visual examples. This takes the learner from the known to the unknown. For example, when explaining hand position during driver training the common visual reference is the face of a clock – hands at 10 and 2. When explaining eye relief for a rifle (distance from the shooter's eye to the rear sight) the instructor could use the analogy of looking through a door peephole. Common analogies are driving a car, playing a musical instrument, or playing sports. Typically the average student has done at least one of these tasks. Providing written information can be useful for a female

student. It gives them additional information that may not be able to be covered in class or that they may be hesitant to ask for clarification on. Written texts may appeal to the language based communication style shared by most women, whereas men tend to prefer a show and tell approach.

When a female accepts information, it is often received through an emotional filter. This may explain instances where an emotional reaction is evoked from a seemingly harmless comment. Telling a student she is doing something wrong can be perceived as a personal insult or an attack on her overall abilities (Farnam & Nicholl, 2002). This does not negate the need for feedback and correction, but it is important to relay the advice in an encouraging manner. For example, telling a student “you’re jerking the trigger” or “stop jerking the trigger” may be better stated as “let’s work on pressing the trigger smoothly.” This focuses on the correction rather than the problem.

Oftentimes a student will make multiple mistakes within a given task, such as jerking the trigger, anticipating recoil, and poor grip. All of the errors must be addressed. If presented all at once, the female student may try to fix everything at one time and feel overwhelmed. It is best to focus on correcting one issue at a time.

Utilizing emotional intelligence during training can be extremely helpful to both the instructor and the student. Peter Salovey and John D. Mayer coined the term 'Emotional Intelligence' in 1990 describing it as “a form of social intelligence that involves the ability to monitor one’s own and other’s feelings and emotions, to discriminate among them, and to use this information to guide thinking and action.” When working with a struggling student, patience and adaptability are virtues. Willingness to employ various teaching strategies may alleviate stress a student is experiencing, help them discover their strengths, and resolve their own issues. The more emotionally intelligent an instructor is, the better able they are to encourage student self-awareness and also create a better learning environment (Goleman, 2006).

Biology also plays a part in how we learn. Medical experts have discovered that women have a thicker parietal region of the brain, which plays an important role in integrating sensory information, knowledge and relation of numbers, and in manipulating objects (Taylor, 2003). This condition may hinder the capability to mentally rotate objects (an aspect of spatial ability) and can impair the ability to understand physical tasks or mechanical information. It may be easier for a male to visualize a shape and its dynamics (Taylor, 2003). It is imperative that a female student be given ample time to manipulate objects and practice tasks to facilitate understanding and mastery. The advantage that men have in spatial abilities enables them to better perceive how their bodies are oriented in relation to their surroundings. This relationship is referred to as proprioception - the sense of the relative position of neighboring parts of the body and strength of effort being employed in movement. Proprioceptive ability can be improved, as can any motor activity. Without proprioception, drivers would be unable to keep their eyes on the road while driving, as they would need to pay attention to the position of their arms and legs while working the pedals and steering wheel.

Women have four times as many brain cells connecting the right and left side of their brain. This provides evidence that men rely easily and more heavily on their left brain to solve one problem one step at a time. Men are more adept at minimizing complexity and considering problems one piece at a time. Men take a more linear approach and view elements as less interconnected. Women are more capable of accessing both sides of their brain and therefore have greater use of their right brain. They tend to consider all sources of information and will approach tasks in a collective manner. This can lead to being overwhelmed with complexities (Farnam & Nicholl, 2002). Both genders are capable of coming to successful conclusions but may come to conclusions differently.

There are also differences in how men and women react during times of stress. Most people have a "fight or flight" response to stress situations. There is research to support that women may approach stressful situations with a

different strategy. Psychologist Shelley E. Taylor coined the phrase "tend and befriend" after recognizing that during times of stress women take care of themselves and their children (tending) and form strong group bonds (befriending). The reason for these different reactions to stress is rooted in hormones. The hormone oxytocin is released in everyone during stress. This hormone is often associated with caregiving and attachment between mother and infant. Estrogen tends to enhance oxytocin, resulting in calming and nurturing feelings whereas testosterone, which men produce in high levels during stress, reduces the effects of oxytocin (Taylor, 2003). In high stress situations men tend to be more inclined to take risks, e.g., drive faster or engage in physical confrontation.

As an instructor, it is important to understand if a female student appears to be hesitant during a use of force scenario, she may be experiencing stress differently than her male counterparts. It may be helpful if you explain that physiologically her experience is different and this may help her recognize why she is reacting the way she is. The instructor can instill confidence and help the student develop the attitude and skills to succeed. Without any insight she leaves the training questioning her abilities and taking those doubts with her to the field.

Few would argue that men and women are physically different. The physical differences are rather obvious and most can be seen and easily measured. The physical differences between men and women provide functional advantages and have survival value. Men usually have more upper body strength, build muscle easily, have thicker skin, bruise less easily and have a lower threshold of awareness of injuries to their extremities. Men are essentially built for physical confrontation and the use of force (Farnam & Nicholl, 2002). Physically, women tend to have less upper body strength and are influenced by their smaller stature. They typically are going to be less inclined to use physical force to resolve a problem.

For a male instructor, it is difficult to know what it's like to be a female student. What is physically easy for a male involves challenges for a female that may go unrecognized. For instance when a female student is locking the slide to the rear on a semi-auto pistol, it can require the use of not only her hands, but the strength of her arms and chest. Incorporating all of those muscles enables her to complete the movement. If you've never experienced that lack of upper body/hand strength, it becomes difficult to recognize or explain.

As instructors, it is imperative that we set performance standards and have equal expectations for all of the students to achieve those standards because teacher expectations can have significant effects on student performance. This is known as the Pygmalion Effect - what one person expects of another can serve as a self-fulfilling prophecy. If an instructor expresses the opinion that a student may struggle in a particular area or with certain tasks, then the student enters that training evolution with the mindset of failure (Rosenthal & Jacobson, 2003). The message we send as instructors affects a student's self-efficacy, which is the strength of one's belief in their ability to complete tasks and reach goals. Self-efficacy strongly influences both the power a person has to face challenges competently and the choices a person is most likely to make. As instructors, we influence a student's success. We convey expectations both verbally and nonverbally so we must ensure we are always providing optimistic expectations. We must display a positive attitude and coach all of the students towards success.

Observing what female students normally struggle with during training can be the first step in modifying teaching styles. Asking the student what she is thinking or feeling can also provide further insight. Recognizing differences between genders and how those differences can affect performance is important for all law enforcement instructors. A student's ability to successfully complete training is not based solely on their gender. Our goal as trainers is to create a positive learning environment and remove any barriers to success in order to maintain a strong law enforcement community.

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About the Authors: Leigh Bennett is a Senior Instructor for the Instructor Development Branch at the Federal Law Enforcement Training Center (FLETC). Leigh served 20 years in the United States Air Force where she performed duties as a military police officer, firearms instructor, course manager, and curriculum developer. She retired in 2004 as a Master Sergeant. Leigh began her career at FLETC in 2008 as a firearms instructor. Leigh's educational background includes a Bachelor of Science in Occupational Education and a Master of Science in Post-Secondary Education.

Steve Hemenway is a Senior Instructor for the Instructor Development Branch at the Federal Law Enforcement Training Center (FLETC). He entered federal law enforcement in 1998 and served with the U.S. Secret Service and National Marine Fisheries Service before taking his position at FLETC in 2006. He began his career at FLETC with the Driver Marine Division. Steve served four years active duty in the U.S. Navy as an operator with the Naval Special Warfare Command and is currently a Training Officer for the Naval Reserve Special Operations Command Europe. He holds a Bachelor of Science in Criminal Justice.

DECERTIFICATION OF PUBLIC SAFETY PROFESSIONALS IN OREGON FIVE YEAR STUDY

The Center for Policing Excellence (CPE) at the Oregon Department of Public Safety Standards and Training (DPSST) has released its annual five-year review of law enforcement officer decertifications in Oregon. We have attached the summary of the decertifications that your readers may find of interest.

Each column represents a five year total. We first started compiling this data in 2011 (for the five years 2007-2011).

For each discipline the table shows:

- The total number of decertifications in the 5-year period
- The number of male officers in the discipline that were decertified in the 5-year period
- The number of female officers in the discipline who were decertified in the 5-year period
- The average experience of all officers decertified in the discipline in the 5-year period
- The number of officers in the discipline that were decertified for on-duty conduct
- The number of officers in the discipline that were decertified for off-duty conduct
- The number of officers in the discipline that were decertified for dishonesty (it may not have been the only reason)
- The number of officers in the discipline that were decertified in the 5-year period that held supervisory, management, or executive certifications

As you look at the attached table, there are a couple of things that you may find of interest:

- First, the number of decertifications for both police and corrections are down as compared to 2009-2013 period.
- Second, the average experience of the officer decertified in 2010-2014 was higher than the 2009-2013 period. The average experience for a decertified officer seems to be on the increase.
- Third, we continue to have significantly more supervisors and above decertified in police than any of the other professions. And the percentage of police who are decertified that held supervisory or above certification seems to be increasing. For 2010-2014 it was nearly 20%.

There was an article completed in 2013 on officer decertification nationwide. The article is: *Officer Decertification and the National Decertification Index* that was published in *Police Quarterly* 16:4 (420-437) and was written by Atherley, Loren T. and Hickman, Matthew J. (2013). According to the article, Oregon has one of the highest rates of decertification in the states, and Oregon is also a state that requires reporting of separations of police officers to the certifying authority (a total of 43 states require this according to the article, but only 18 states require agencies to report conduct that could lead to decertification).

DPSST continues to work with our constituents on a statewide basis to ensure we have standards are in place for law enforcement professionalism. DPSST publishes a monthly updated called the Ethics Bulletin that is distributed statewide showing the type of conduct that is reviewed by our Professional Standards Section, our 24-member Board on Public Safety Standards and Training (BPSST), and its five discipline specific policy committees. <http://www.oregon.gov/dpsst/Pages/publications.aspx>

DPSST also works with IADLEST as all decertified officers are entered in the National Decertification Index (NDI) and also with Roger L. Goldman, Callis Family Professor of Law Emeritus, Saint Louis University School of Law who works with various state and national organizations that are developing professional standards and certification systems.

For additional information, please contact Dr. Steve Winegar, PhD, at the Oregon Department of Public Safety Standards and Training via email at Steve.winegar@state.or.us

Decertification in Oregon Five Years Data

Police	2007-11	2008-12	2009-13	2010-14
Total Decertified	184	201	203	190
Male	177	187	190	180
Female	7	7	12	9
Average Experience	12.10	12.25	12.68	13.38
On duty	111	114	111	112
Off Duty	52	56	47	39
Dishonesty	93	102	101	93
Supervisory or above	27	31	35	37

Corrections

	2007-11	2008-12	2009-13	2010-14
Total Decertified	177	195	198	185
Male	121	135	140	132
Female	55	52	53	49
Average Experience	8.20	8.74	9.05	9.70
On duty	112	117	116	107
Off Duty	48	54	49	48
Dishonesty	57	88	89	91
Supervisory or above	2	2	2	3

Telecommunicators

	2007-11	2008-12	2009-13	2010-14
Total Decertified	33	36	37	37
Male	8	9	13	9
Female	25	25	25	28
Average Experience	7.12	8.33	9.00	9.76
On duty				
Off Duty				
Dishonesty				
Supervisory or above	2	2	1	1

Parole & Probation

	2007-11	2008-12	2009-13	2010-14
Total Decertified	12	13	16	15
Male	8	8	11	9
Female	4	5	4	6
Average Experience	10.75	13.64	11.75	11.07
On duty				
Off Duty				
Dishonesty				
Supervisory or above				1

NEW FREE TRAINING AVAILABLE FROM THE DEPARTMENT OF JUSTICE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
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Digital Evidence Investigations: This three-day course is designed for the first responder, investigator and supervisory personnel on how to conduct digital investigations, with a focus on the basics of digital evidence collection, analysis, and preservation. The information

gained in this course will improve the participant’s capacity, capabilities, and knowledge on how to use and apply digital evidence investigative techniques in the investigation of child abductions, child exploitation, child abuse, and child sex trafficking cases. Instructional staff for this course includes digital evidence forensic examiners, investigators, and legal practitioners to equip participants with critical information on how to conduct a digital technology investigation and how to collect, preserve, and analyze the digital evidence involved in cases.

Topics Include:

- Cellphone evidence
- Current technologies and resources to aid in investigations
- Social media and networking concepts
- How to preserve identify, isolate and seize digital evidence
- Triage considerations for computers, mobile devices, and storage devices
- How to obtain provider information
- Emerging technologies
- Legal considerations and implications
- Case studies of specific cases and application of principles

Advanced Cold Case Long Term Missing Investigations: This two-day course is designed for law enforcement investigators, first responders and prosecutors on how to improve investigative techniques and efforts on long-term missing and cold case investigations. Over the two days of training, the participants will learn from case studies, interactive case discussions, and specific techniques on how to conduct long term missing cold case investigations. Instructional staff will utilize case studies, interactive case discussions, and investigative techniques to improve the skill and capacities of law enforcement personnel assigned long term missing cold cases.

Topics Include:

- What is known about long-term missing and cold case investigations
- Dynamics of conducting long-term missing and cold case investigations

- Investigative techniques and best practices for conducting long-term missing and cold case investigations
- Resources available to assist investigators with long-term missing and cold case investigation responsibilities
- Case studies of long-term missing and cold case investigations
- Interactive discussion on best practices and case analysis of long-term missing and cold case investigations

Contact Information:

To request these two new training programs for your academy or agency, please contact <http://www.amber-net.org/technicalassistance.html>

Questions: Contact 877-71-AMBER or askamber@fvtc.edu

IADLEST PARTNERS WITH ENVISAGE TO LAUNCH A NATIONAL TRAINING CERTIFICATION PROGRAM AND PORTAL

by: Envisage Technologies, Bloomington, Indiana

New quality standard to set benchmark for law enforcement continuing education

The International Association of Directors of Law Enforcement Standards and Training (IADLEST) announced today a partnership with Envisage Technologies, the leading software company for the public safety training and compliance industry, to develop a National Certification Program for law enforcement continuing education. This standard will be accompanied by a National Training Catalog which will simplify access to all nationally certified content for law enforcement agencies.

The fire and emergency medical disciplines each have established standards for ongoing re-certification training. However, in the criminal justice field, each state had its own process for awarding in-service or continuing education credit for officers attending vendor-provided training. Until now there has not been a uniform national standard for police and corrections continuing education that ensures training

quality. As a result, departments risk spending money on training that may be outdated, of poor quality, not legally defensible, and even dangerous.

"National certification of law enforcement training courses has been a long-term goal of IADLEST," said Mike Becar, Executive Director of IADLEST. "National certification will save state POST's time and resources and offer a tremendous benefit to training providers nationwide."

This year, IADLEST, in partnership with Peace Officers Standards and Training organizations around the nation, will launch a new program designed to eliminate many of the problems associated with a lack of standardization within criminal justice training. The IADLEST National Certification Program will establish minimum standards for vendors providing law enforcement continuing education and ensure that training content meets those quality standards. The standards are designed to meet or exceed any individual state certification requirement to ensure that training that achieves national certification will be accepted by all participating POST organizations around the nation for in-service training credit.

Peggy Schaefer, a law enforcement training veteran will lead the National Certification Program, and each participating POST will provide between 6-10 subject matter experts to evaluate course content. I'm excited to be part of a groundbreaking effort that will standardize criminal justice training throughout the country," said Peggy Schaefer, IADLEST National Certification Program Director. "All criminal justice professionals expect the training they receive, in person or on-line, to be current, precise, legally correct, professionally packaged, and job-enhancement focused."

In conjunction with the new standards, Envisage Technologies will provide a broad framework for the aggregation and distribution of nationally certified content. Envisage will create a National Training Catalog aimed at supporting training coordinators around the country. The catalog will contain a comprehensive list of vendor supplied training opportunities for law

enforcement officers that have passed rigorous vetting and achieved national certification. In addition, officers will be able to rate individual courses, and these ratings will be available to other officers to review when selecting training opportunities for their personnel.

"This will be a great resource for departments and officers," said Ari Vidali, Envisage CEO. "For the first time, training coordinators will have access to a list of all available training content that has been validated by a national association as well as ratings from officers that have taken the training. This will create convenience and cost savings for departments; but even more importantly, courses that have been certified by national subject matter experts will be easier to defend in court."

As the foremost association involved in police certification and training, IADLEST sees the emergence of standards as a significant benefit to all stakeholders. "It ensures officers' continuing education is recognized within other states," said Becar. "Chiefs and Sheriffs will have peace of mind knowing that their limited dollars are being spent on quality law enforcement training."

About IADLEST: The International Association of Directors of Law Enforcement Standards and Training (IADLEST) is an international organization of training managers and executives dedicated to the improvement of public safety personnel. IADLEST serves as the national forum of Peace Officer Standards and Training (POST) agencies, boards, and commissions as well as statewide training academies throughout the United States (www.IADLEST.org).

About ENVISAGE: Envisage is a high tech software company founded in 2001 to automate complex training operations for first responders and the military. We create solutions that make our world a safer place. Our mission is to improve the readiness of our Nation's public safety professionals to ensure they come home alive. The company's training and compliance software platform leads the industry, serving over 500,000 first responders and 5,600 public safety departments, across multiple states and

the Federal Government. Our clients are federal law enforcement agencies, including the U.S. Department of Homeland Security (DHS), and many state law enforcement and public safety organizations (EnvisageNow.com).

About the Acadis Readiness Suite: The Acadis Readiness Suite is designed to make certain that our law enforcement, military, and emergency services are trained, equipped, and ready to respond. The Suite measures readiness by automating complex, high-risk training and compliance operations. Acadis increases the accuracy and effectiveness across every level of critical incident response by consolidating information about personnel and resources. The modular system enables organizations to implement functionality where needed to support the compliance lifecycle. Acadis embodies a single, powerful idea: To make certain our first responders come home alive (Acadis.com).

About FirstForward: As the nation's first professional learning network for public safety, FirstForward creates a space where first responders can connect with their peers, collaborate and access the training and tools they need to do their jobs and come home alive. FirstForward celebrates and honors the stories of heroism and compassion common to all first responders (FirstForward.com).

**BLUE COURAGE:
ENHANCING OUR HEART, MIND,
BODY AND SPIRIT IN ORDER
TO BUILD PUBLIC TRUST**

*by Mark Perkovich, Manager
National Blue Courage Program*

Note: IADLEST manages the Blue Courage Law Enforcement Basic Academy pilot grant for the Department of Justice, and recently contracted with Mark Perkovich to be the program manager for Blue Courage. This is a project to provide training and technical assistance to Law Enforcement basic police academies to incorporate the Blue Courage principles into existing basic academy curriculum.

This past week, my wife and I took our family to Mexico for Spring Break. Upon returning home, I found myself feeling a little under the weather from what was most certainly the result of

something I “ate” versus something I may have “drank”! Regardless, I found myself with enough time on my hands to explore our subscription to Amazon Prime and the benefit of streaming video. While I have never been one to proactively seek out a documentary, I committed to being productive with my infirmed time. So, I found a documentary titled none other than *The Perfect Human Diet* which to me was somewhat ironic given my intestinal state!

While listening to one of the researchers being interviewed, he made the statement, “Health is not the absence of disease”. He continued, “Although you may be without disease, one can still suffer from chronic fatigue, muscle aches and pains, poor sleep patterns, and several trips to a doctor with symptoms but without formal diagnosis. Therefore, his premise was - Health is not the absence of disease. This concept not only made sense to me but it stuck with me since it was strikingly similar to Sir Robert Peel’s 9th Principle which states in part, “The test of police efficiency is the absence of crime and disorder.” Is that true, or could there be more to it?

While I am not questioning Peel, I am strongly suggesting that perhaps a measure of our success as law enforcement professionals should not solely be measured by crime and disorder, but rather how we perform our duties, individually, and the impact it has on public trust. In fact, over the last twenty years, I distinctly remember years in which the crime rate in my jurisdiction was through the roof, yet our citizen satisfaction survey came back with an approval rating that was within percentage points of those years when our crime rate was at its lowest. Our success should, therefore, be measured with more than just the crime rate, just like health is measured by more than just the absence of disease. Recently, there have been extensive discussions and publications related to Police Legitimacy, Procedural Justice and Public Trust. Add to this the content of the Interim Report of the President’s Task Force on 21st Century Policing, which begins with Recommendation 1.1 which states in part, “Law enforcement culture should embrace a guardian mindset to build public trust and legitimacy. Toward that end, police and sheriffs’ departments should adopt procedural justice as the guiding principle

for internal and external policies and practices to guide their interactions with the citizens they serve.”

Prior to taking over command of the Arizona Law Enforcement Academy in September of 2012, Arizona like most basic training academies emphasized the Warrior Mindset. In November of 2013, ALEA was the first police academy in the nation to, not necessarily abandon the Warrior Mindset in its’ entirety, rather enhance it with a strong dose of the Guardian Mindset. This was done through the teachings and philosophy found within Blue Courage.

The Blue Courage philosophy is the intentional enhancing of our Mindfulness and Awareness. It is about being fully present and aware at any moment, which exponentially enhances our ability to perform and create the right result in any circumstances. It is about taking charge of the forces and circumstances that are powerful influences in our lives. The stress, the pressures and the “dark side” of life we see...all influence us to a high degree. Blue Courage teaches us to take charge of, manage, and control these influences. Blue Courage is about enhancing our capacity – it is about peak performance under the most challenging of circumstances. Blue Courage is about serving ourselves first – before we serve others. It is about being selfish in this regard, however, by taking care of me, I am able to take better care of you! Last, Blue Courage is about strengthening our “Core” – we all know in fitness, strengthening the core strengthens everything that flows from it. Our core is our Heart, Body, Mind, and Spirit – those four dimensions are the source of all our power, strength, endurance, and ability to perform whether in that moment as the Warrior or more often as the Guardian that our communities need us to be!

The Blue Courage philosophy is designed for both the academy environment and agency in-service training alike. For more information on current Blue Courage workshops or how to bring the Blue Courage philosophy to your agency, contact Mark Perkovich – the Blue Courage National Training Coordinator at (602) 774-9384 or markp@azpost.gov.

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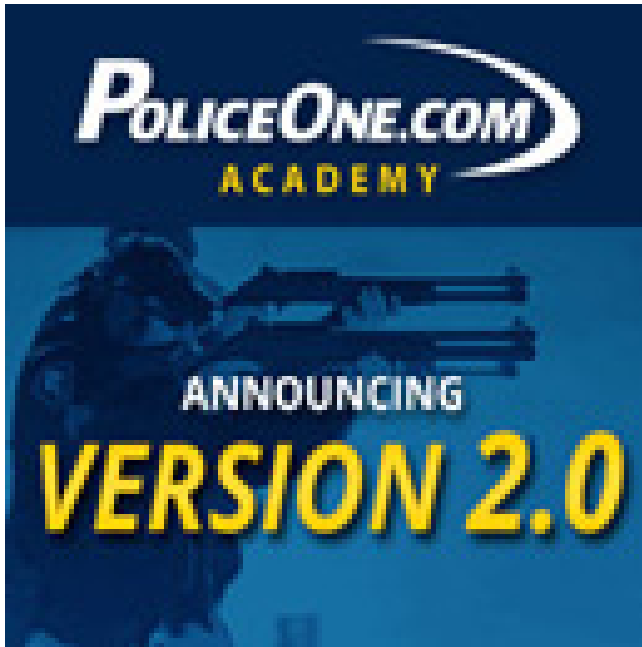
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EXECUTIVE COMMITTEE MEETING MINUTES WASHINGTON, DC January 22-23, 2015

CALL TO ORDER: The meeting was called to order by President Ciechanowski (IA) at 1:02 PM, Thursday, January 22, 2015.

ROLL CALL: The roll call was performed by Secretary Damitio (KS). Executive Committee members in attendance were:

- President Arlen Ciechanowski (IA)
- First Vice-President Dave Harvey (MI)
- Second Vice-President Brian Grisham (TN) (by phone)
- Treasurer Kelly Alzaharna (AK)
- Secretary Mark Damitio (KS)
- Immediate past-President Kim Vickers (TX)
- Second Immediate Past-President William Muldoon (NE)
- Midwest Region Representative Steve Emmons (OK)
- Central Region Representative Stephanie Pederson (WI)
- Northeast Region Representative Dan Zivkovich (MA)
- West Region Representative Lyle Mann (AZ)
- Southern Region Representative Mark Strickland (NC) (by phone)

Pursuant to the IADLEST Bylaws, a quorum of members existed to conduct business.

IADLEST Staff in attendance were:

- Mike Becar, Executive Director
- Yvonne Pfeifer, Executive Assistant

ADDITIONS TO THE AGENDA: President Ciechanowski (IA) made the following additions:

Introduction of Guests (In order of appearance) -

- Denise O'Donnell, Director DOJ, Bureau of Justice Assistance
- Heather Fong, Assistant Secretary, Office for State and Local Law Enforcement, DHS
 - Dr. Tom Tucker, Director and Steven T.

- Williams, Associate Director, Strategic Operations and Plans, National Center for Biomedical Research and Training, Academy of Counter-Terrorist Education, Louisiana State University
- Roberto Hylton, Senior Law Enforcement Advisor, DHS FEMA
 - Curtis "Jed" Allen, Senior Director/Chief Learning Officer, DOT Federal Motor Carrier Administration
 - Jeffrey King, TI and EM Public Safety Liaison and Jim Austrich, Program Manager, Responder Safety Programs, DOT Federal Highway Administration
 - Richard Miller, Acting Director, DOJ ICITAP
 - Don Smith, Chief, Office of State, Local and Tribal Training, FLETC
 - John Thompson, Interim Executive Director, National Sheriffs' Association
 - John Marshall, Director, Office of Safety Programs, DOT NHTSA
 - Dr. James Klopovic, International Academy of Public Safety

APPROVAL OF THE MINUTES: President Ciechanowski (IA) asked for comments or edits for the following minutes:

Executive Committee, June 1, 2014; Destin Florida; No further edits were suggested. There was a **MOTION** by Harvey (MI) and a **SECOND** by Zivkovich (MA) to approve the minutes. The **MOTION CARRIED**.

Business Meeting, Oct. 25-26, 2014; Orlando, Florida; No further edits were suggested. There was a **MOTION** by Zivkovich (MA) and a **SECOND** by Harvey (MI) to approve the minutes. The **MOTION CARRIED**.

EXECUTIVE DIRECTOR'S BRIEFING - Executive Director Becar reported on the following issues:

- **Change of Association' Legal Counsel:** The current legal counsel is based in Michigan, which is

inconvenient for communication with the Executive Director. The current Legal Counsel's fees include a \$1,500.00 a year retainer fee and a \$400 an hour billable rate. Executive Director Becar has located a local attorney in his area that has experience with public safety associations. He does not charge an annual retainer fee, and his hourly rate is \$250 an hour. There was a **MOTION** by Harvey (MI) and a **SECOND** by Mann (AZ) to notify the current legal counsel that his services will be terminated and that IADLEST to contract with new legal counsel, Paul Turkey. The **MOTION CARRIED**.

- **Records Retention:** The first order of business with the new legal counsel will be consultation regarding developing a records retention policy. The policy for the association will comply with all requirements related to the associations' IRS non-profit 503(c) status, and the laws of South Carolina (where the association is incorporated).
- **IADLEST Trademark Registration:** Currently, the association's name, logo, acronym, and associated identifiers are not trademarked. The risk of another organization or business using the association's identity is present. The Executive Director received direction from the Executive Committee to research the process of a trademark. Member Ari Vidali (First Forward-Envisage) offered assistance.
- **POST Director Changes:** Since the last meeting, Colorado Director Pete Dunbar has retired, and a search is underway. In Arkansas, Director Ken Jones has been replaced by Jamie Cook.
- **IADLEST Personnel Reassignments:** Deputy Director Pat Judge retired at the end of December 2014. A majority of his duties have now been assumed by Executive Assistant Yvonne Pfeifer. The association is contracting with Pat to continue to

produce the quarterly newsletter and to continue to serve as the signatory on association checks as other options are explored. In recognition of the increased workload and responsibility, there was a **MOTION** by Vickers (TX) and a **SECOND** by Zivkovich (MA) to increase Ms. Pfeifer's compensation by \$15,000.00 per year. The **MOTION CARRIED**. As a parallel matter to the task reassignments duties and responsibilities and compensation discussion, there was Executive Committee recognition of the need for more formalized methods, policies, etc., of taking action on various personnel issues. While the President may establish committees to perform tasks, the temporary nature of such committees is not conducive for long-term issues where past practice and historical knowledge may be forgotten. There was a **MOTION** by Zivkovich and a **SECOND** by Mann (AZ) for the President to direct the Bylaws Committee to draft a proposal for a new Bylaw, creating a permanent Personnel Committee. The recommendation is that the Personnel Committee be comprised of at least three (3) Executive Committee members, not including the President or First Vice-President. The **MOTION PASSED**.

- **International Work:** Nigeria continues to partner with IADLEST for assistance. They plan on sending a contingent to the Annual Conference in San Antonio. They requested that an academy host their contingent in coordination with their travel to the conference. Indiana offered their facilities and staff. One of the training classes that will be offered to the Nigerian contingent will be Blue Courage.
- **Grant Submissions:** Several grant applications are in process or are being explored:
 - Truck and Bus Enforcement (FMCA)

- A national DDACTS (NHTSA) program
 - A separate grant for DDACTS in Texas
 - Officer Outreach (NHTSA)
 - NLEARN (NHTSA)
 - Motorcycle Enforcement (NHTSA)
 - EVOC Manual (NHTSA)
 - Blue Courage (DOJ-BJA)
- **Academy Director's Course:** Rusty Goodpaster (IN) reports that the Academy Directors' Course is scheduled for release by the Annual Conference.
 - **A Military Reciprocity Manual** has been completed in draft form. It will be distributed to the POST Directors for review and editing. Upon completion, it will be available in the "members only" section of the IADLEST website.

2015 ANNUAL CONFERENCE REPORT:

Executive Assistant Yvonne Pfeifer reports the conference e-mails have been successful in generating early interest in the conference. By the second week of January, the hotel block was already 20 per cent booked. Information gained from the DOJ-ICITAP personnel indicate that the conference will be the host to approximately 50 attendees from outside the USA.

IADLEST TREASURER'S REPORT:

Treasurer Alzaharna (AK) reported the following:

FINANCIALS: Fund Balances as of November 30, 2014:

CURRENT ASSETS

Cash in Bank General: \$41,479.36
Cash in Bank DOJ: \$25,344.02
Cash in Bank NHTSA: \$89,052.89
Cash in Savings: \$113,570.55
Cash in Bank Wire Transfer Acct.: \$150.00
Due to General Account: \$70,000.00
Total Current Assets: \$339,596.82

PROPERTY AND EQUIPMENT

Computers: \$16,037.59
Less: Accumulated Depreciation: \$15,994.88
Net Property and Equipment: \$42.71

TOTAL ASSETS: \$339,639.53

LIABILITIES AND FUND BALANCE

Deferred Revenue: \$50,000.00
Loan to NHTSA/DOJ: \$70,000.00
Total Current Liabilities: \$120,000.00

FUND BALANCE

Fund Balance: \$322,984.64
Excess (Deficiency) of Support &
Revenue Over Expenses: (\$103,345.11)
Total Fund Balance: \$219,639.53

**TOTAL LIABILITIES AND FUND
BALANCE: \$339,639.53**

There was a **MOTION** by Harvey (MI) and a **SECOND** by Mann (AZ) to approve the Treasurer's Report. The **MOTION CARRIED**.

2013 Audit Report: Audit Committee Chair Goodpaster (IN) presented the 2013 Audit Report as prepared by the CPA firm of Crandall, Swenson, and Gleason. There were no material weaknesses or significant deficiencies identified and no adverse financial findings. There was a **MOTION** by Mann (AZ) and a **SECOND** by Alzaharna (AK) to approve the 2013 Audit Report. The **MOTION CARRIED**.

**ADMINISTRATIVE REVIEW OF CURRENT
BUSINESS ITEMS:**

- **Blue Courage Project:** Harvey (MI) reported that a meeting was recently held with BJA representatives to discuss further marketing, the program priorities, and development of a performance measurement tool to determine the success of the program. There was also discussion on how to get more states involved.
- **Bylaw Revisions:** Damitio (KS) reported that the Bylaws revision and the Bylaws addition both relating to vacancy appointments were approved by the general membership at the Fall Business Meeting in

Orlando. The updated Bylaws will be sent to Executive Director Becar for replacement of the old ones on the website. Pursuant to earlier Executive Committee action in the agenda, the Bylaws Committee will begin drafting a new Bylaw relating to the establishment of a permanent Personnel Committee.

- **NCIC & Criminal History Access:** Harvey (MI) reported that there has been further discussion and research into the process of allowing POST access to NCIC. It now appears that the process with the FBI and the CJIS Committee will be a five-year endeavor, and it will require a paper to be presented. Harvey will be working with the National Sheriffs' Association.

**COMMITTEE AND SPECIAL
ASSIGNMENT REPORTS:**

- **Accreditation Committee:** Zivkovich (MA) reports that a teleconference was held for the Committee. The project is possible. The challenge is to develop the process and the criteria to evaluate POSTs and Academies that by their nature are different in every jurisdiction. The focus will be to identify universally accepted best practices. The finished program should also be a model for our emerging international partners as well. The next teleconference is scheduled January 27.
- **Sourcebook:** Harvey (MI) reports that a teleconference was held for the Committee. The Committee determined that the next Sourcebook should be pared down to make it easier to complete by the membership. Still to be determined is whether the survey instrument should be done online, and whether the data from the never-released 2010 survey should be used for comparison. Ultimately, the Committee feels that the information should be able to be updated instantly online on the IADLEST website, and not subject to a new project every five years.

OLD BUSINESS:

There was no Old Business to come before the Executive Committee.

REGION REPORTS:

- Northeast Region: Regional Representative Zivkovich (MA) reported the following information:

Connecticut reports new in-service sessions on Police Officers Dealing with People with Mental Illnesses and Disabilities, a Statewide Train-the-Trainer for Naloxone (Narcan), and training on the First Law Enforcement Responder dealing with the potential for Ebola. Their Legislative Session begins on Wednesday, January 7; and they expect there will be legislation on regulating Drones and enhanced response to Domestic Violence. They have just issued a mandatory Electronic Control Weapon policy and data collection report form. They are working on a Civilian Complaint Policy Against Officers Alleging Misconduct, a legislative mandate from the last session as a result of a survey completed by the ACLU where operatives went around to various police departments and attempted to file complaints.

Maryland has developed a new curriculum for police interactions with individuals with intellectual and developmental disabilities. This training has been adopted as mandatory for entry level, and they are working on a program for in-service. The unique piece is that the training will require using self-advocates in the training process. This training was developed with the involvement of a number of groups that work within the intellectual and developmental disabilities community. They are also working with NAMI to develop a statewide CIT training that can be replicated for small and rural agencies that do not have access to the training in a cost effective manner.

Pennsylvania's Municipal Police Officers' Education and Training Commission

contracted with The Systems Design Group in 2012 to conduct a job task analysis (JTA) to identify essential tasks performed by entry level Pennsylvania Municipal Police Officers. The result was the addition of 105 new learning objectives into the Basic Recruit Curriculum. In addition, a comprehensive review of the existing Basic Recruit Curriculum resulted in a determination to update the existing curriculum. Consequently, a diverse panel comprised of trainers, street-level police officers, Academy Directors, and curriculum developers was created and a recommendation was made to add 192 hours of additional training to the Basic Recruit Curriculum in order to accommodate these curriculum changes. This change brings the total number of training hours for Basic Recruit Training in Pennsylvania to 946 which include over 300 hours of scenario-based training. To date, 80 per cent of the curriculum has been rewritten and is prepared to be piloted. The pilot program will begin January 26, 2015. MPOETC is also working to rebrand the "Mandatory In-Service Training" for Pennsylvania law enforcement. In Pennsylvania, all Municipal Police Officers are required to attend 12 hours of In-Service Training every year to maintain certification, in addition to Firearms Qualification and CPR/First Aid Training. Historically, MPOETC has developed all 12 hours of In-Service Training to meet this requirement. Beginning with the 2016 training year, MPOETC will continue to develop training towards this requirement; however, police agencies will have the latitude to submit other training in consideration for approval towards this In-Service Training requirement. This requirement may be obtained through a variety of other approved training sources at the discretion of each officer's agency head. Courses must be registered with the MPOETC to ensure approval for training credit. The intent of this change is to provide discretion to officers and agency heads to determine the specific training needs of their personnel.

MPOETC will maintain a registry of criminal justice in-service training programs offered. The registry will be a compilation of in-service training programs offered by training academies, colleges, universities, state and local governmental agencies, the PAVTN, and private training providers. MPOETC is developing a new application to track training and certification of all police officers in Pennsylvania. They are in the early stages of development but hope to go live with the new application in January 2016.

New York reports that due to a significant increase in the number of overdoses from opioid drugs, including heroin, several state agencies collaborated in April 2014 to deliver statewide training in the administration of naloxone to over 1,300 law enforcement officers throughout the state. The training teaches officers how to administer intranasal naloxone and provides officers with free kits and a prescription to carry the medication. The training also provides an overview of the state's Good Samaritan law, details signs and symptoms of opioid overdoses, and provides officers with the Municipal Police Training Council's naloxone model policy, which deals with the use and storage of naloxone and features firsthand accounts from police officers about the drug's effectiveness. In addition, a cadre of trainers has been developed who have the information and materials necessary to train officers in their respective agencies or academies, saving agencies time and money. The Division of Criminal Justice Services also assists those agencies in obtaining naloxone for free after officers are trained. All of the training materials, model policy and a statewide Naloxone Quality Improvement Usage Report developed to collect data on naloxone administrations can be downloaded at <http://www.criminaljustice.ny.gov/ops/training/trainingnews.htm>. In addition, New York has updated their Basic, Intermediate, Advanced and Technical Crash Management Courses, their Patrol Rifle Course, Corrections Supervision, and Mounted

Patrol. They have developed a new License Plate Reader Model Policy – A model policy was published that includes operational guidelines, LPR technology, deployment and management of data derived from LPR use.

Massachusetts is in the process of trying to find a vendor or contractor to completely revise its 870-hour recruit curriculum. Apparently, this is the first time anyone has done this in recent memory, and they are having challenges finding someone suitable to take on the project. They have also established minimum standards and certification requirements for staff (drill instructors).

- Central Region: Regional Representative (WI) reported the following information:

Indiana reports they are in the process of a new Job Task Analysis. It is scheduled to go online for the month of February with final results expected to be presented at their April Training Board meeting. Their last JTA was completed in 2010. They received a grant through the Indiana Criminal Justice Institute to fund the JTA. Indiana is utilizing System Design Group (Val Lubans) to complete the project. Their state General Assembly is in session so they are watching for any bills that would impact their training. Several bills were introduced dealing with mandating training on racial profiling, bias crimes, and mental health issues. There is also one that would require Reserve Officers (volunteers) to receive 24 hours of annual in-service training like the paid law enforcement officers must receive. This would cause more of a records issue than training issue for Indiana but would have a negative impact on their budget and personnel level as well. Indiana has no bills introduced this session. Their submitted budget is part of the legislative session. They requested \$1.3 million in capital projects/rehab/replacement projects outside of their operating budget. They were notified that \$390,000 of that was included in the official request. Their operating budget stayed at the previous year's level.

They have implemented some new security measures due to occurrences worldwide and are seeking grant funding to implement even more measures. Hiring has increased significantly. They are a centralized academy system that operates on a continuous basis. Their current class is 143 which is well above what they would prefer. Their next class is already at 140. They have created an alumni association for graduates of any of the seven basic academies in the state. The alumni association had its first annual meeting with election of officers and has established a first fund raising drive for \$50,000 to purchase training equipment for the Academy.

Michigan reported that two Senate bills that were approved by the Senate last year died in the House of Representatives. Both bills would have made significant changes to MCOLES specifically adding a list of misdemeanors to the list of criminal convictions that would be mandatory for license revocation. The bills are being re-introduced this legislative session. A pilot test of a set of Agency Best Practices was completed since last report. The test was successful and identified some areas that need some work before implementation.

West Virginia reported that a legislative interim study took place from October through the start of 2015 session (Feb 15) regarding the level of funding for law enforcement training in West Virginia. The program is currently funded by a \$2 fee assessed on court actions in the state. The \$2 fee was set in 1982 and has not increased since then. Information was presented to the interim study group. No report has been generated as yet from the group as to any recommendations/actions that they will take. There is not any support to move for an increase in fees at this time. If no action is taken, the projected zeroing of funds available will take place in 2017 fiscal year period. There is an overall statewide budget shortfall of \$200 million projected at end of this fiscal year. The impact on state agencies in general is still to be determined.

West Virginia continues to operate Envisage Technologies ACADIS software for its officer training and certification data base. They are pleased with the results and worked with Envisage to make certain software modifications to enhance the specific operation of the program in West Virginia. These modifications included a “type ahead feature” designed to enable portal users (training administrators, etc.) submitting class or other information to find names of officers quicker and “one class” feature designed to put all related info on a class into one section of the program. Another feature added allows West Virginia to directly track and verify officer firearms qualification requirements. This feature is working well; officers and agencies are submitting information to show officers are in compliance with this requirement. West Virginia is using a reactivation review process which requires review (generally paper based) of why an officer left his or her prior agency and wasn’t employed at another agency. The certification reactivation review has worked well. A large majority of such reviews are paper based, and there has been a seamless transition of officers to new/other agencies. For those requiring a more “formal” review: those who left pending or under investigation or were fired, reviews are required before they can go back to work. A large majority are approved to go back to work if the issue is determined to be just a policy/administrative issue that does not rise to a certification issue level, but it has allowed us to stop officers from working who previously would have been able to go right on working.

Wisconsin reports that in December, the Wisconsin LESB approved expanding the recruit academy for the first time since 2004 from 520 hours to 720 hours. The academy is also going to be restructured into three phases where one phase will build on the previous phase. In between each phase, recruits will take a formal written assessment on all of the skills taught in that phase and will also take some time to participate in “integration exercises” to

practice and link the skills they learned in that phase together. The first 720-hour academy began on Tuesday, January 20. All academies can start with the new materials in 2015, but all MUST use the new materials by January 2016. They began this expansion and restructure in January 2012. They are adding a physical fitness and officer wellness program to the recruit academy. Wisconsin worked with FitForce on validating the tests and setting the standards for an entrance as well as exit test. The entrance test is 20 per cent less than the exit standards. The standards are available from Stephanie Pederson. Envisage Technologies was awarded the state contract to provide the new record management software (Acadis) for Wisconsin. The hardware was installed by mid-January 2014, and the software was installed by March. They conducted training events around the state over the summer and are now using Acadis as the main record management system. They are still working out some kinks in the reporting processes with Envisage.

- South Region: Regional Representative Strickland (NC) had no new news to report at this time.
- Midwest Region: Regional Representative Emmons (OK) reported the Spring Regional Meeting will be hosted by the Iowa Law Enforcement Academy in Johnston, IA, April 6-7.

Oklahoma has been using “Go to Training” software for online training, and it works well for 1-2 hour courses. It is interactive and allows the instructors to see the students. They now have responsibility to license and train Bail Enforcement Officers (Bounty Hunters).

Texas reports their DPS has implemented a mandatory fitness program for their law enforcement officers. It is based on a rowing machine and has withstood court challenges.

Kansas reports they will be awaiting legislative action in the current session to

enhance their revenue. The current revenue is based solely upon court docket fees, which have been significantly reduced in the economic recession. Bond payment obligation triggers have been met that require action to stabilize revenue. The most likely new source will be a small assessment on vehicle license tags.

West Region: Regional Representative Mann (AZ) reports the West Region met in Reno, NV, in December. The next Regional Meeting is scheduled for December 2015 in Palm Springs, CA.

California POST reports they are developing Narcan and Tourniquet training. They are performing a Job Task Analysis using in-house resources. They are testing a pilot program for using iPads in Academies.

Nevada reports that after the retirement of Director Dick Clark, they are in the process of a search for a new Director.

Washington reports they have implemented the Blue Courage training into their Basic Academy. They now have responsibility for K-9 certification training. They are studying the consequences of including the full 40-hour Crisis Intervention Teams (CIT) training into the Basic Academy. They recently had the experience of their first transgender recruit in the Basic Academy.

Oregon is developing training programs related to Police Legitimacy and Procedural Justice and Stress First Aid. They have worked with their Board of Education to gather blueprints of all elementary schools in the state as a resource to responding officers.

Arizona is working with First Forward (Envisage) to migrate their online training to their site. The plan will be for AZ officers to take the courses for free, and for out-of-state officers to pay a fee. There will be a revenue-sharing formula for the fees.

Alaska reports that the budget cuts involving most of the state government shouldn't affect their agency.

NEW BUINSESS

Committee Assignments:

- **Bylaws:** President Ciechanowski (IA) appointed the following IADLEST members to the Bylaws Committee: Damitio (KS) as Chair, with committee members Mann (AZ), Vickers (TX), and Gabliks (OR). The Bylaws Committee was tasked to develop a proposed Bylaw for a permanent Personnel Committee.
- **Personnel:** President Ciechanowski (IA) appointed the following IADLEST members to the Personnel Committee: Zivkovich (MA) as Chair, Alzaharna (AK), and Goodpaster (IN).

Next Meetings:

The next Executive Committee meeting will be May 31, 2015; and the next General Business Meeting will be June 2, 2015, as a part of the 2015 IADLEST Annual Conference in San Antonio, Texas.

ADJOURNMENT

Having no further business, there was a **MOTION** by Vickers (TX) and a **SECOND** by Harvey (MI) to adjourn. The **MOTION CARRIED**. The meeting was adjourned at 9:43 AM, Friday, January 23, 2015.



WHITE PAPER REPORT

Read the following Wicklander-Zulawski & Associates article on *Post-Conviction Petitions and their Effect on Law-Enforcement Officers* in the supplement A of this newsletter by: Thomas F. McGreal and Joanne Ryan, Certified Forensic Interviewers.

Post-Conviction Petitions and their Effect on Law-Enforcement Officers



Thomas F. McGreal is a Certified Forensic Interviewer (CFI). He retired from the Chicago Police Department, as a detective, with twenty-nine (29) years of service. Thomas served as an investigator with the Cook County State Attorney's Post-Conviction Unit, for six (6) years. Thomas McGreal is currently employed by Wicklander-Zulawski & Associates as a Speaker and Consultant.



Joanne Ryan is a Certified Forensic Interviewer (CFI). She served ten (10) years as a probation officer with the Cook County Adult Probation Department. Joanne has been employed, for the past fifteen (15) years, by the Cook County State Attorney's Office. Joanne served as an investigator with the Post-Conviction-Unit for twelve (12) of the past fifteen years. Joanne Ryan is currently assigned to the Human Trafficking Unit of the Cook County State Attorney's Office.

Post-Conviction Petitions and their Effect on Law-Enforcement Officers

Both men and women have alleged they had been arrested, charged, convicted, and incarcerated for crimes they did not commit. Illinois and other States have initiated Post-Conviction Hearings, designed as a limited review to insure that court convictions are constitutional. The incarcerated (petitioner), in these cases, must show that he/she suffered from a substantial denial of his/her constitutional rights during conviction proceedings or show factual errors, unknown and undiscoverable at the time of trial, that would have prevented conviction, sentence, or both. Claims of actual innocence, by the petitioner, must be predicated on newly discovered evidence that could not have been discovered earlier. This evidence must be material, non-cumulative, and of such a conclusive nature that it would probably change the result at retrial. (725 ILCS5/122-1)

The authors, during the course of their tenure in the Cook County State Attorney's Post-Conviction Unit, have conducted numerous Post-Conviction Investigations. In the vast majority of these cases, petitioners filed claims of actual innocence, based on newly discovered evidence not known or discoverable at the time of the original court proceedings. A brief synopsis of some of these claims is listed below. Later, in this narrative, we will expand upon individual concerns that may rise with each issue.

In some of these cases, Deoxyribonucleic Acid (DNA) testing of genetic materials identified the actual offender, exonerating the person accused and incarcerated for the crime.

In recent years the fire science leading police and fire investigators to detect the “cause and origin” of a fire has changed. As a result of this new “Fire Science”, person(s) previously convicted of a crime involving Arson/Murder have been granted a retrial(s).

In other cases, witnesses not known, available, or not called to testify at the time of trial are discovered. In some cases, petitioners blame their own attorneys for failing to call witnesses who were available and willing to testify. Victims and witnesses have also been known to recant previous statements and identifications, casting doubt upon convictions.

Police officers, detectives, and their supervisors have been accused of patterns and practices of misconduct which may cause innocent persons to confess to a crime he/she did not commit. The alleged form(s) of misconduct include, but are not limited to, failure to conduct objective investigations, physical abuse, inappropriate identification procedures, and the use of questionable interview and interrogation techniques.

Post-Conviction Petitions have alleged that some criminal suspects possess a low intelligence quotient (IQ). It has also alleged that, due to the low IQ, the suspect did not understand his/her constitutional rights and are more susceptible to giving a false confession.

Police Officers, detectives, investigators, their supervisory staff, and even prosecutors and defense attorneys are being called back to testify regarding post-conviction investigations long past the arrest, charging, trial, and conviction of the person arrested for a crime. In many cases, the accused officers have retired from active service. In some of these cases, these same officers are accused of wrongdoing that led to the incarceration of a person innocent of the charged offense. The local media often broadcasts the allegations, and the accused officer(s) suffer from public embarrassment. This embarrassment is often magnified by a media that is often biased in favor of a defense team supplying the media with allegations and theories of how the misconduct occurred. Only on rare occasions does the agency representing the officers publicly defend the accused. The stakes are too high. The agencies representing the accused have the “deep pockets”, meaning, if the allegations are proven, they are the source of the monetary judgments against the accused officers. As a result, the

public agency does not want to present any information that will damage their defensive posture in court. In recent years, along with the high judgments and settlements against the accused entities, police officers are being assessed punitive damages. In these cases, police officers are ordered to pay portions of the damages out of their own income. If the allegations are proven, this can be devastating for the involved officer. Even if the officer is exonerated, the mere threat of an unwarranted financial loss can create great emotional pain and suffering for the officer and his/her family.

The purpose of this narrative is not to discuss the rogue police officer or prosecutor who intentionally fabricates evidence to incarcerate and convict a person they know to be innocent. These individuals, when discovered, will be handled by the Criminal Justice System. They, when discovered, will face civil liabilities, along with possible loss of employment and incarceration.

This narrative is being written to inform the uninformed police officer or detective, not to discourage police personnel from pursuing their sworn oaths as representatives of the court. The goal is to bring light upon concerns that arise during Post-Conviction Investigations. Some post-conviction accusations may never be avoided. Issues, such as false allegations against police officers and prosecutors are determined by the actions of others and must be litigated by the court system. Like innocent persons accused of crimes they did not commit, police officers and prosecutors are also subject to false allegations.

During the course of their service with the Cook County Post-Conviction Unit the authors have seen common allegations against police officers that re-occur during the course of post-conviction investigations. In some of these investigations, the previously convicted inmates were released from prison. In other cases the convictions were upheld. The allegations observed are repeatedly seen in Post-Conviction Petitions against accused officers. As a result, these same police officers are subject to possible civil actions, including punitive awards to the alleged wronged party.

The authors are aware that this is an extremely emotional issue because of constant criticism leveled at the police by the media, researchers, and citizens. During the past two years, the authors Thomas McGreal and Joanne Ryan have discussed these issues with the Chicago Police Department Detective Division, during the Lead Homicide Investigators Refresher Course, mandated by the State of Illinois. During these sessions, common opinions are voiced by the attending detectives.

The vast majority of police officers, detectives and investigators consider their employment as a profession. They have a desire to protect the citizens of their communities and live by the oath they took when hired. These same officers are discouraged when they feel their efforts are not appreciated. They feel they are under siege by a media that appears to be willing to print any defense theory as fact. They are also frustrated by their own agencies refusal to publicly come to their defense. Police officers are aware there is a segment of the population that believes the news media would not be allowed to print accusations unless true. The accused officer's embarrassment of the allegations is magnified when friends and acquaintances appear to be treating him/her differently. Police officers are also aware of the fame and financial reward gained by an attorney that can win a Post-Conviction Motion resulting in the release of his client. Police officers often question the integrity of attorneys who only search for facts that benefit their motion, disregarding the truth.

The authors believe an informed police officer and detective can objectively examine behavior that may lead to an innocent person confessing to a crime he/she did not commit. If the individual police officer or detective is exhibiting these behaviors, then change is needed. The consequences of ignoring these warnings are too great to ignore. Not only will the individual police officer and detective suffer the consequences, but their parents, wives, husbands, and children will also feel the effects of their actions.

It is suggested that law-enforcement officers objectively examine the following issues that must be addressed during post-conviction investigations. It is requested, after analyzing the following information, that the individual officer or detective determine if there was anything that the individual law-enforcement officer could do to prevent their actions from causing any needless negative impact upon himself, herself, or the suspect.

The Testing of Genetic Material

In many cases, the credibility of deoxyribonucleic (DNA) acid testing of the genetic material of incarcerated persons reveal that some persons accused of committing crimes are falsely accused. Police officers and prosecutors generally acknowledge that DNA Testing of a subject's genetic materials is a credible science that can be trusted, although all possible explanations must be examined prior to the completion of a thorough, objective investigation. The personal and financial stakes are extremely high for all involved parties. The officer, detective, and/or prosecutor may have

arrested and charged the incarcerated subject and are liable. Freedom and huge financial rewards are likely for the freed inmate and his or her attorneys. Cases of inmates fabricating evidence for the purpose of being released or assisting others to be released from prison are common. If a guilty inmate can convince the court system that he/she is innocent, they may seek a Certificate of Innocence. If a Certificate of Innocence is awarded, that person can more easily sue the offending parties and receive a huge financial judgment or settlement. Civil actions are common, resulting in high awards including punitive damages to the wrongfully convicted. As a result, an investigation is not complete until all reasonable reasons why DNA Testing did not implicate the person charged must be explored. The investigation should remain objective and not unduly delay an obviously innocent person being incarcerated for a crime he/she did not commit.

New Science

In recent years the fire science leading police and fire investigators to detect the “Cause and Origin” of a fire has changed. In some of these instances, the court has ordered a retrial of the incarcerated subject. Due to the passing of time, death or recantations of critical witnesses, destruction or degradation of key evidence, further prosecution is no longer possible. Witnesses and police officers may no longer be available to testify. The affected agency may no longer have enough evidence to proceed with trial, and the incarcerated is released from custody. In these types of cases, because of the inability to conduct another trial, it may never be known if the incarcerated subject was guilty or innocent of the offense. Cases of this type are currently pending and it has not yet been determined how they will affect the individual police officers and detectives involved.

Witnesses

An Illinois Post-Conviction Petition is initiated by filing with the clerk of the court of conviction a petition (together with a copy thereof), verified by affidavit with supporting documents. (725 ILCS 5/122-1).

A substantial number of Post-Conviction Petitions filed show new witnesses, not known at the time of the original trial. During the course of their tenure with the Cook County State’s Attorney’s Post-Conviction Unit, the authors and their co-workers were charged with locating and conducting interviews of these new witnesses. During the subsequent interviews, the vast majority of the new

witnesses freely made admissions that the information supplied on their affidavits were false. Various reasons were given for the misinformation ranging from intimidation to trying to help a friend.

In other cases, Post-Conviction Petitions are filed, alleging that witnesses were available and willing to testify at the time of the original court proceedings that led to conviction. In these cases, the petitioner alleges his or her own attorney, at the time of the trial that led to conviction, was ineffective, because he or she failed to call a witness who was available and willing to testify in his defense. Interviews with the affected attorney usually reveal that the determination not to call a particular witness was trial strategy. The witness was not consistent with their version of events. In these cases, it was the opinion of the affected attorney, if called to testify, the witness would cause more harm than good. In most cases, these types of allegations do not directly affect the police officer or investigator.

Patterns and Practice of Police Misconduct

Post-Conviction Petitions alleging police misconduct are common. The agency representing the police officer has the “deep pockets” and is the source of large rewards to the successful petitioner. Post-Conviction Petitions often allege coercive tactics by the police that resulted in a coerced false confession. The coercive techniques include physical abuse, depriving the petitioner of bathroom privileges, lack of food, lack of rest, intense interrogation for extended periods of time, and the investigating detectives supplying the petitioner with the information contained in the confession. Some petitioners allege they believed they could go home if they supplied the detectives with the false contents of the confession. Law enforcement officers must allow suspects access to bathroom facilities, when needed. An adequate amount of food and rest should be supplied to subjects in custody, and reasonable time periods should be dedicated to interviews and interrogations. All forms of physical abuse must be avoided.

On occasion, petitioners who have alleged giving false confessions have later recalled they were incarcerated at the time of the actual crime. Petitioners also allege the content of their confessions were supplied to them by the investigating detectives. These incidents are especially troubling if there is credible documentation to their incarceration. If the petitioner’s confession includes specific details of the crime, unless another source can be identified, it is inferred that the information was supplied to the petitioner by the investigating detectives.

Post-Conviction Petitions and subsequent investigations by the defense have alleged the police have not documented information beneficial to the defense. All relevant information should be documented, whether it benefits the victim or the suspect.

In some instances, law-enforcement personnel are focused on a probable suspect when they conduct a witness interview. The new witness may allege a totally different person is the actual offender. In some cases, the previous suspect has been charged with the crime. This information cannot be ignored. A thorough and credible investigation must be conducted and documented regarding this new information. If not, this information will surface during a post-conviction petition, possibly fifteen (15) or twenty (20) years later, causing great concern to the affected personnel

It is always an issue, during investigations, if a witness does not initially identify an offender and later identifies the subject as the offender. It is even more troubling if the offender has had encounters with the witness in the past. This is a credibility issue that must be addressed. Fear may cause a suspect to want to avoid retaliation, but what caused the subject to finally decide to identify the alleged offender. Cases of this sort must be documented thoroughly. As in all cases, the investigating officers or detectives must seek and document as much corroboration as possible.

It is common to see witness recants during post-conviction motions. In some of these cases, the recants have occurred after being visited by the defense many years after the petitioner's conviction and incarceration. If an individual recants a previous identification, unless it can be attributed to undue influence by another source, there is not much the affected officers can do after the fact. Problems arise when the recanting witness now allege that he or she was coerced, by the police, into making the original identification. Law-enforcement personnel should pay particular attention to the verbiage used, by the witness, when identifications are made. Is it truly a positive identification? Document all actions and statements made during identification procedures. Separate witnesses and victims prior to viewing suspects and do not allow them to converse until after the procedures are complete. Make it certain to the person viewing the line-up that you do not know if the offender is in the line-up. People want to pick an offender if they believe the offender is actually one of the persons in the line-up. People have a tendency to pick the person who most resembles the offender. After the line-up is complete, do not tell the witness or victim the position of the suspect in custody. You do not want the suspect's description repeated to other possible viewers. In the past, it has been alleged that

investigators conducting line-ups, through their own body behavior, paid obviously close attention to the person viewing the line-up while the suspect was being observed. It is alleged that this unconscious behavior identifies the targeted suspect to the viewer.

Law-enforcement officers should be extremely careful with the manner they question subjects, avoiding the presentation of specific case information to the subject of the interview or interrogation. When conducting interviews and interrogations, law-enforcement officers should ask as many open-ended questions as possible. An example of an open-ended question would be, "Tell me everything that occurred between the time you learned of the murder and the time you were arrested". This type of question asks for a broad amount of information and allows the subject to respond with whatever information he or she chooses to divulge. In many cases, the person interviewed expects to answer specific questions. The person interviewed does not expect to respond to such an open-ended question. Much additional information can be gathered in this manner. After asking the open-ended question, it is extremely important that the officer does not interrupt the subject, interjecting a more specific question regarding a topic the subject of the interview has mentioned. This will stop the flow of information. If the subject pauses to collect his thoughts or see if you will accept the response as complete, the interviewer should remain silent. Silence is extremely uncomfortable for most people. The patient officer will usually find the subject of the interview will fill the silence by supplying more information.

Law-enforcement officers should limit their use of leading questions. Leading questions lead the subject of an interview in a particular direction. A leading question also supplies the subject with specific information regarding the information sought. Leading questions that supply specific crime scene information should be completely avoided. An example of type of question would be, "Where did you get the steak knife you used to kill the victim". (Of course, this type of question would be appropriate if the subject previously said he killed the victim with a steak knife). Another inappropriate form of a leading question would be, "Did you get the steak knife from the kitchen drawer". Both of these example questions are inappropriate, because they let the subject know that a steak knife was used to kill the victim, and the steak knife had previously been located in the kitchen drawer.

Officers should also refrain from giving the subject of the interview their personal theories regarding how a crime was committed. For example, "John, let me tell you what I think happened and you tell

me where I am wrong". The officer then relates his theory of the case, revealing specific information regarding the crime that an innocent person would never have previously known. Depending upon the length and manner of the interrogation, these tactics could cause an innocent person to give a convincing confession with information only the true offender would know.

Pay special attention to the construction of questions asked during an interview or interrogation. Is the form of questioning used revealing more information than intended? Law-enforcement officers should ask the suspect to define all unusual slang or terminology used by the suspect. This practice avoids any misunderstanding later regarding what the suspect really meant when he/she used those terms. The terminology used by the law-enforcement officer should be directed to the intelligence level of the suspect. It may be useful, for the officer, to question the suspect regarding his/her understanding of the terms used during the conversation.

In some post-conviction petitions, it is alleged petitioners possessed low Intelligence Quotients (IQ's) and did not fully understand their Constitutional Rights per Miranda or the consequences of their speaking with the police. Law enforcement officers should change his vocabulary to suit the intelligence of the subject. Directly asking a subject of the meaning of specific statements will better inform an investigator of the subject's understanding of a specific topic. Law enforcement officers should also consider a subject's educational level and prior experience with law enforcement. All attempts to ensure the person interviewed understands the entire interview process should be documented completely.

Post-Conviction Petitions and subsequent law suits are causing great concern, throughout the country, to police officers and their families. The advent of DNA technology and subsequent investigations regarding wrongful convictions has shown to most reasonable law enforcement personnel that there are some persons incarcerated for crimes they did not commit. The authors are also aware, through their personal involvement in post-conviction investigations, that some incarcerated persons use post-conviction hearings as an unwarranted opportunity to seek release from incarceration and gain a huge financial reward through a subsequent law suit. These opposing facts cause concern and cognitive dissonance to many law enforcement officers. The individual officer does not want to see a person wrongfully convicted and incarcerated, yet the same officer

does not want to see a person using deception to gain an unwarranted release from prison and financial gain at the officer's expense.

It is strongly suggested, during investigations, that investigating officers and detectives examine the methods they use to conduct their investigations, be open to reasonable criticism from the critics of police methods, be objective and consider alternate theories, document everything, even negative information, check and document all alibis, control your investigations by asking yourself, "Who had access to your suspect while in custody?" "Could your suspect have obtained critical scene information from another source?" While conducting your initial crime investigations, think of a future post-conviction petition. Ask yourself, "Who could supply the suspect with a possible alibi in the future?" If possible, while the suspect is in custody, investigating detectives should seek the suspect's family members and close associates for their knowledge of the suspect's actions at the time of the crime. Document and corroborate this information thoroughly. It will lock close family members and associates into a statement that can be impeached if changed in the future.

Since the early 1990's segments of the public have developed a negative attitude towards policing in America. The advent of DNA technology and the release of individuals wrongfully incarcerated have encouraged citizens to question the police approach towards arrests, interviews, and interrogations. Media reports and video recordings of actions by individual police officers during arrest situations have fed the negative discourse. Law suits, requiring large judgments or settlements, taken from taxpayer funding increases the public's mistrust of the police. Ultimately, the public will decide the style of policing that will occur in the United States. Now is the time for police officers to examine their behavior and question if their behavior is placing themselves and their families at risk.

Law enforcement officers should understand some post-conviction petitions many not be avoided. These petitions may include but are not limited to inmate collusion, witness recantations without collusion, ineffective assistance of counsel, new science, and new information, not known at the time of the trial. There is not much the individual police officer can do to prevent these actions from occurring.

An informed law enforcement officer should be a more prudent officer. A prudent officer or detective should objectively focus on behaviors and actions that may be placing his/her career in jeopardy. The consequences of disregarding current attitudes towards policing are too great to ignore.