

WASHINGTON COUNTY SHERIFF'S OFFICE

Annual Officer Refresher

Why Officer's need annual training and what
need to be covered

Sergeant Bruce Strain

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Law Enforcement Officers in the State of Arkansas receive a great deal of training at the beginning of their careers. They are required to attend the Arkansas Law Enforcement Training Academy (ALETA) and most departments require some form of Field Training Program. The basic training academy consists of 13 weeks of training in a wide variety of subjects. Field training programs consist of 13 weeks or more of department specific training. Once the officer completes the training at the beginning of their career, they attend training in specific specialized areas. The purpose of this research paper is to look at annual training requirements and discuss ideas for the creation of an annual training refresher for patrol officers.

Washington County currently hosts a wide variety of training classes for the departments in our area. We are at the cutting edge when it comes to the amount and types of training we offer. One area we need to focus on is the constant development of our patrol deputies. Because our department leads a great deal of training classes, it sometimes seems like we are more concerned with filling the seats than with making sure the officers we put in the class need and will use the training they receive. Patrol Deputies are on the front line and generally on their own. We need to make sure they are staying current on the ever-changing legislation, case laws, and policies. They need to be ready to defend themselves and others on a moment's notice and have the skills and the confidence those skills require to handle any situation. A deputy's knowledge of the law and policy can give them enormous confidence in doing their job. I tell all the deputies I train "Knowledge is power," meaning the more they know about what they can do, the easier it is to make a decision and take action.

Topics to be discussed:

- Case Law
- Legislative Updates
- Policy and Procedure
- Search and Seizure
- Use of Force
- Firearms
- Defensive Tactics/Physical Fitness

Case Law:

Case Law is a very important topic to cover in any officer training program because it can determine whether an officer is acting in accordance with current laws or opening themselves and their departments up to liability. The 1989 U.S. Supreme Court case *City of Canton, Ohio vs. Geraldine Harris* made it clear that police departments are responsible for making sure their officers are trained and can be held liable if they fail to do so. As we get into the discussion on training, we must understand the clear liability we have to make sure the training is done and done correctly. Huge liabilities can be created for our officers, departments, and ourselves if we fail to verify the information that we train our officers with as accurate. New case laws are being made daily that can have lasting effects on the law enforcement community as a whole, for example *Miranda vs. Arizona*.

Next I will discuss ideas about how to stay up to date with the current case laws. In the article *LEOs and the law: Staying current on court cases* authored by Doug Wyllie and published on PoliceOne.com he said he was recently told by columnist Joanne Eldridge "I believe the best way for law

enforcement officers to keep up on their state's case law is to focus on their state's court(s) of appeals and follow what they are doing" (Wyllie, 2013). This is a great place to start considering that the courts have websites and most of the information we need to stay up to date on can be easily accessed. Some departments or prosecutor's offices put out a letter every few months that discuss current case laws. These letters can contain a brief summary or even the full decision, and can be invaluable tools for keeping officers up to date.

The idea of sitting in a classroom for hours discussing changing laws is not the kind of training most officers enjoy. However, keeping them up to date with the latest information will benefit their careers in the long run. Something to think about when structuring an officer refresher course is the instructors. It is important to have a good working relationship with your area's prosecutors for they can be a valuable resource for teaching a short block of training. Because prosecutors have to stay current with the information concerning case law, they will have an easier time discussing and explaining the meaning and significance to our officers. In addition, getting face-time with our officers outside of the courtroom helps build their relationships.

Legislative Updates:

Another good area to bring the lawyers in is on the topic of Legislative updates. It seems every time a new law book is printed, they change several laws but with little publication to inform officers of the changes. Sometimes it is as simple as changing the way a statute is worded making what used to be a misdemeanor now a felony, or vice versa. Prosecutors are the ones taking these cases to trial and they know what cases they will pursue and which ones they will drop. It reflects poorly on a department

when their prosecutors will not take their case to trial because the arresting officer was acting on old information.

Policy and Procedure:

An area that gets more officers in trouble than any other is violating policy or procedure. As a department we are quick to write new policy and procedure and send out an e-mail telling personnel about the changes. Unfortunately that is sometimes the end of the communication on the subject. Policy and Procedure are something that we beat into new officers at the beginning of their training and expect them to remember forever. We give them tests to make sure they know them and when they pass we quickly move onto the next chapter. The problem is officers have so many things to remember they quickly forget policies they use infrequently until they get in trouble for violating them.

Officer refresher training is a good time to remind them of the importance of the policies and update them on changes that have been made. Shift briefings are also a good opportunity to go over policies. I like to assign a deputy to read a policy and prepare a short presentation for the shift at each briefing. This allows the deputies to get involved and often they come up with creative ways to go over what can be a dull subject. This idea can carry into the officer refresher course because it allows the officers to be directly involved in the training. I have often heard that if you really want to learn a certain subject, teach it. Senior officers can and should be utilized in the development of officer refresher training. The other officers relate to them closer than supervisors and are more likely to listen and learn.

Search and Seizure:

Search and Seizure is an area that can quickly get officers in trouble and should be covered in an officer refresher course. Far too many officers get into trouble for violating the Fourth Amendment. This is a relatively easy subject to cover in officer refresher training but cannot be overlooked. Easily taught by a senior officer or supervisor, it can save both the officer and department in the end. As a front line supervisor I have had many calls from the deputies I supervise asking questions regarding search and seizure and the deputies take action based on my answers. If I provided them with bad information I have not only opened them and the department up to liability, but I have also gotten myself into trouble. The home is a sacred place and is protected under the constitution. Officers have to know when and under what circumstances they can enter a home without a warrant. Department reasonability in training on this subject cannot be overlooked and it is therefore a subject that must be covered in any officer refresher program.

Use-of-Force:

The use-of-force is a subject that can quickly put an officer and department under a microscope. Recent events have shown how even the lawful use of deadly force can cause major issues on a national scale. It is imperative for officers to be familiar with their departments use-of-force policies and operate within them. Just as important is the department's responsibility to make sure officers are trained and to document the training.

In an article titled *Key considerations for good use-of-force polices* on PoliceOne.com author Terrence P. Dwyer says, "The potential liability in any use-of-force situation begins prior to an incident" (Dwyer, 2011). Officers are required to make split second decisions and in those moments rely on their training. If they have not been trained properly they may fall back on natural instinct that is not within policy. The last thing a supervisor wants to hear when reviewing a complaint of use-of-force is the officer did not know they could not do that. Officers have to know what they can do relating to force and when they can do it. They are opened up to departmental discipline along civil and criminal liability when using force. An effective officer refresher program will cover the department's use-of-force policy and any case laws that may apply.

Firearms:

Firearms training is something that cannot be rushed through in preparing your officer refresher training. Making sure officers are capable and confident with their service weapons is imperative for every law enforcement agency. The training has to be "relevant and realistic" according to Dave Grossi, author of *Tactics and Training* published on PoliceOne.com (Grossi, 2011). Firearms training can get expensive quickly and finding sufficient funds needed to stay up to date can be challenging for departments. We have to realize the importance of the training and what's at stake. The safety of our officers and citizens depends on the training we provide our officers with. The use of simunition is a good way to make training realistic for officers and help them think through difficult situations. The training can be invaluable for the officer but get very expensive for a department.

In his article Dave Grossi talks about a round of FBI suspect interviews conducted for the book Violent Encounters. He states "it was revealed that those suspects believed that police officers trained between two and three times a week with their firearms. In reality, most police departments only train about two times a year, averaging less than 15 hours annually. In contrast to our frequency of training, those same suspects revealed they practiced on average 23 times a year (or almost twice a month) with their handguns" (Grossi, 2011). With the frequency of officer involved shootings, we are seeing it imperative that officers have the training to be prepared. The perception that officers are well trained and competent with their issued firearms is part of what makes suspects think twice before getting in a gun fight with law enforcement. This perception works to our advantage but will not last if we do not step up our training for officers.

I have seen firearms training develop over the twelve years I have been with the Washington County Sheriff's Department. The frequency of training has increased and courses of fire have changed. Standard firearms qualifications are all the same. Officers stand on the firing line and are given a number of rounds to fire in a set amount of time. The scores are calculated and bragging rights are delved out. This type of training can be good or bad for self-esteem but does little for the officers' preparedness for a violent encounter. I have seen various combat courses which require officers to make a decision to shoot or not shoot. These courses typically require fewer rounds of ammunition and can be very valuable to the officer from an experience stand point. I have seen many officers go through a shoot/no shoot course and shoot the wrong targets. The lessons learned by those officers when they figured out they shot a good guy makes a lasting impression on them. The range is certainly a better place to learn that lesson than in the field. The state of Arkansas requires an annual firearms qualification but a quarterly training utilizing combat course would result in better prepared officers.

Simunition is an incredibly valuable tool for firearms training. I have served on a SWAT team for several years and have felt the sting of many rounds. Simunition utilizes a pistol very similar to the types most departments carry and shoots a small ball of paint. The paints typically leaves a mark on clothes and a red mark on skin. When conducting situational training, officers that make mistakes get shot, and as a result, feel pain. The pain causes them to make a mental note on what they did wrong that resulted in the pain. The training is then more than just talking it is real and they remember. I can remember every time I forgot to check a corner or left my back exposed and got myself shot. As a result I got better with every training day. One of my main motivations for joining the SWAT team was additional firearms training. The SWAT team has two training days a month and one day is completely devoted to firearms training. The other is a tactical day and simunitions are used in training.

Active shooter training is covered in the Fayetteville Police Department officer refresher training. The use of simunition is common during active shooter training. The reality of today's society is that officers have no idea if the next call they answer will be an active shooter situation. Active shooter scenes play out on a regular basis and there is typically no warning when they are about to happen. Active shooter training has increased dramatically over the past several years as a result. The Washington County Sheriff's Office teaches ALERT training in active shooter response. ALERT is a valuable tool in preparing officers for these types of situations but like any other skill it has to be practiced or they will forget.

Defensive Tactics:

The ability to physically defend oneself is a key part of being a police officer. In the academy officers are taught basic defensive tactics and sent out to patrol the streets. I am a Field Training Officer (FTO) and Defensive Tactics Instructor at my department. I have been conducting training for beginning officers for several years. I have found a great amount of interest in training for new officers but little push for in-service training for the experienced officer. There is an attitude that seasoned officers don't need the training because they get by just fine without it. The problem is you never know when that training could be needed to save their lives.

I have taught the One-on-One Control Tactics as the main personal defense system since 2007. The system was developed by Steve Jimmerfield and outlined in the book he coauthored with Timothy Schoenberg One on One Control: Safe Street Tactics for Law Enforcement (Schoenberg, 1998). He studied Bushido and used skills and techniques from his training along with his own techniques to develop a system specialized for Law Enforcement. These techniques allow any officer to control a suspect one on one which is exactly the sort of situation the deputies at my department often find themselves in. The trouble with teaching any style of defensive tactics is the skills learned are quickly forgotten if not practiced. It took me five years of being an instructor and attending yearly refreshers to become truly proficient in the style.

I am currently considering Strategic Self-defense & Grappling Tactics (SSGT) as a new style to teach deputies. It is used by other departments in my area such as the Fayetteville Police Department and University Police Department. I find it is important to have the same training as other departments

when possible. Being trained in other styles can help when officers from multiple agencies are working a situation together. The common training can keep them from inadvertently working against each other.

Regardless of the style of defensive tactics you decide to use I believe it is important to consider the frequency of training. As a young man I studied Tae Kwon Do for competition. The more frequently I trained the more confident I was entering the ring with an opponent. The same principle applies to officers on the street. When faced with a violent person they have to be prepared to handle the situation and subdue the person with force if necessary. While it is always preferable to talk the person into handcuffs, there are certainly times when force will have to be used. Too many officers are not confident in their hand-to-hand skills and it shows when they deal with violent people. They are hesitant to go hands-on or will use another style of force such as a Taser or pepper spray when they should have been able to subdue the person without.

Defensive tactics should be a skill practiced on a regular basis with officers so they can grow and develop confidence and skill. Officer refresher training needs to dedicate a substantial amount of the training time to defensive tactics. The size of the class is another important issue to consider. The smaller the class the more one-on-one time the instructor will get with each officer. Instructors will also need to be aware of any pre-existing injuries that could be aggravated by the training. I start every class by having officers fill out a form detailing their injuries and end each class by asking if they are okay.

Defensive tactics training contains an additional part that will benefit any officer over the length of their careers: physical fitness. Any defensive tactics class will point out to the officer and instructors the officer's current fitness level. Physical fitness is a key part of defensive tactics because it determines how long they can stay in the fight. Regardless of skill level an officer with a poor fitness level will have a hard time surviving a long fight. I have the honor of serving as a Physical Fitness Instructor for the Washington County Sheriff's Office after attending the Cooper Institute in Dallas, TX to become certified (The Cooper Institute, 2007). We have a very well equipped gym for all county employees, yet only a small percentage of them utilize it. By conducting officer refresher courses on an annual basis we can help remind them of the importance of staying in shape and remind them of what is really at stake for them.

Conclusion:

Keeping officers up to date can be a challenging task. State laws are constantly changing and new case laws come out daily that change the way officers do their jobs. If officers are not staying on top of the changing laws they may find themselves on the wrong side of the law. Policies and procedures are ever-changing trying to keep up with the changing laws. Officers have to stay current on all the changes or they can quickly get left behind and be operating on old procedures based on old laws. This is a subject of great concern to departments because it is their responsibility to make sure officers are trained properly. The department is open to civil liability if they fail to train their officer's.

Officer safety is a great concern when developing annual training requirements. Officers are taught very basic defensive tactics in the training academy but do not receive any additional training unless they seek it on their own. The majority of officers do not practice any of the techniques learned from the academy and allow themselves to get out of shape. One of the tools officers use more than

any other is their handcuffs, yet very few receive any in-service training on how to properly use them. Officers often lack the physical skills to control violent suspects because of a lack of training and as a result have to use more force. The development of defensive tactics training on a regular basis is essential for reducing complaints of excessive force. I have found that officers who are confident in their physical skills to control a suspect rarely have to use those skills because the confidence is evident to the suspect.

Firearms training is a subject required by the state that all departments agree is invaluable. Patrol officers have a greater risk of having to use their service weapons than detention personnel and should receive more training time. Many sheriffs' department provide the same firearms training for everyone at their department regardless of position. More time on the range for everyone is good, however department budgets are not unlimited and firearms training is expensive. We need to provide additional training for patrol deputies because they are the ones most likely to need it.

A key to a successful department is to maintain a learning environment. Officers must understand the importance of being open to learning. Some of the pros of the creation of an annual officer refresher program are keeping officers current, officer safety, maintaining a learning environment, officer confidence, and officer development.

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