

Class Syllabus

Reasonable Officer Safety, Search, and Seizure

1. Why do we study 4th Amendment Search & Seizure Case Law?

- Goal - Staying Safe and Going Home at the end of your shift.
- Search and Seizure increases your chances of being involved in a use of force incident.
- Read the details of the incident, not just the court ruling.
- Can you articulate how you got to that point?
- Use more control earlier, write better reports, and defend your actions in court.
- What causes us to hesitate to use force? Not knowing if we can.
- Case Law is determined by the details in your police report.
- Did you have a similar experience?
- Make a checklist of all of the suspicious indicators in your report.

2. What are the consequences of an unlawful Search and seizure?

- Criminal Prosecution
- Civil Lawsuit – 4th Amendment/ Wrongful death
 1. The doctrine of qualified immunity

3. How are you judged if a Seizure turns into a Use of force incident?

- Graham v. Connor, 490 U.S. 386 (1989)
 - Severity of the crime
 - Does the suspect pose an immediate threat to the safety of officers or others?
 - Is the suspect actively resisting arrest or attempting to evade arrest by flight?

4. Identifying Deceptive Behavior

Reference - Force Concepts presented by John Blum

- The distance an offender is from their intended target, means more or less time to react and recover.
- Imminent resistance by the offender can be indicated by their body language and facial expressions presented to you in combinations or clusters.
- The suspect usually starts out more motivated to use force than the officer. The officers needs to be motivated to catch up. “The suspect can run faster scared, than the officer can mad”.
- More control in the beginning, often results in less force used at the end.

5. Report Writing

- “I was in fear for my life” (Opinion)

- Do you want someone else using their experience to interpret your vague descriptions? Is your report ready to go to the Supreme Court?(John Blum)
- Would a reasonable citizen, that is not a cop, not present at the scene, believe and feel the same way you did ?
- Saying “Furtive Movements and Suspicious Activity” is not enough. Explain the detail of the behavior, and what it led you to conclude was happening and/or about to happen
- Explain the behavior you just witnessed and how it relates it to past deceptive behavior associated with a criminal outcome.
- Summarize your observations, circumstances, and suspicions that led you to your police action somewhere in your report.

6. How different generations of Police Training, has changed what is considered reasonable.

- WW2 vets to Millennials.

7. Breaking down game film from other officers’ incidents

- Arm Chair Quarterback - Use every officers’ incident as a training example, debrief, accept criticism.
- Advantages to “What If” before you arrive on scene.
- Watch how the suspect reacts to the officers’: positioning, command presence, verbal and physical control.
- Be aware of how a “What If” debrief can affect the emotional and mental trauma the officer is dealing with after an incident.
- Anticipate the opponents behavior based on cues you recognize from past training and experience of reacting to other people’s behavior.

8. Verbal De-Escalation vs. Officer Safety

- When to use it, when not to use it

9. Where does probable cause come from?

- Experience - Can you explain the deceptive behavior you just witnessed and relate it to past deceptive behavior associated with a criminal outcome?
- Training – Where have your received training (academy, FTO/PTO, in service training)?

10. Where does Reasonable Suspicion come from?

- less than probable cause
- articulate individual factors/elements (not just a hunch)
- relevant to the officer’s training and experience
- would lead a reasonable person to suspect criminal activity was afoot.

11. How to prevent the bad guy from hitting the Panic Button

- The Art of Manipulation

1. Play Dumb
2. Acting
3. Masters Degree in B.S.
4. M.S.U.
5. Creative Writing
6. Ad Lib

12. Encounters between police and citizens

- Consensual Encounter
- Investigative Detention
- Custodial Arrest

13. Investigative Detention is not Custodial Arrest

- What is Investigative Detention
- Why officers should use more investigative detention
- When to use Investigative Detention
 - ◆ You not sure who is responsible for the arrestable offense yet.
 - ◆ Is it reasonable to believe the officer or citizen's safety is at risk
 - ◆ You suspect crime is a foot
- Remember – Detaining someone, is not an automatic green light to search them.

14. Case Law that supports Investigative Detention

- United States v. Brignoni-Ponce, 422 U. S. (1975)
- Michigan v. Summers, 452 U. S. 692 (1981)
- Florida v. Royer, 460 U.S. 491 (1983)
- Adams v. Williams, 407 U. S. 143 (1972)
- Gallegos v. City of Colorado Springs 114 F.3d 1024 (1997) (10th Cir. Court
- Terry vs. Ohio 392 U.S. 1 (1968)
- UNITED STATES vs. PERDUE, No. 92-3140. United States Court of Appeals, Tenth Circuit. Nov. 1, 1993.
- US v. Paulette, 05-5549 (6th Cir. 2006)
- US v. Neff, 300 F.3d 1217 (10th Cir. 2002)

15. Does Miranda apply during an Investigative Detention?

Berkemer v. McCarty, 468 U.S. 420 (1984) –U.S. Supreme Court Finding:

- ◆ The officer may detain a subject for a sufficient time to conduct a reasonable investigation that either confirms or dispels his suspicions.
- ◆ The officer may ignore suspect's attempts to exercise her Miranda rights because the rights have not attached.

16. What if the suspect makes incriminating statements before Miranda?

- OREGON v. ELSTAD, 470 U.S. 298 (1985):
 - ◆ The Fifth Amendment does not require the suppression of a confession, made after proper Miranda warnings and a valid waiver of rights, solely because the police had obtained an earlier voluntary but unwarned admission from the suspect.

17. What really took place in Terry vs. Ohio 392 U.S. 1 (1968)

- What suspicious activities involve the use of a weapon?
- Is there a difference between a Terry Pat and a search of their person?
- Why wasn't there enough info for a Terry Pat in Florida v. J.L 529 U.S. 266 (2000)?
 - ◆ What gun law violations can you think of when you arrive on scene?
 - ◆ What behavior does the subject display to suspect he is armed?
- Why couldn't Officers pat down people as a manner of routine precautionary measure for the officer's safety in **US vs. Noble, US Court of Appeals, File Name: 14a0179p.06, decided August 2014:**
- What if you suspect them of destroying evidence concealed on their person?
- **Michigan v. Long, 463 U.S. 1032 (1983)**-An officer may conduct a Terry type search of a vehicle's interior if there is reasonable suspicion that there is a weapon readily accessible in it.

18. Don't leave your prisoners unattended in the back of your patrol vehicle.

- If you are giving someone a ride in the back of your patrol vehicle, that is not under arrest, can you pat them down?

19. What elements of a crime were left out of Arizona v. Gant 556 U.S. 332 (2009)?

- Is there a pressing concern for evidence preservation or officer safety?
- Arrestee has been subdued and can no longer access the vehicle?

Do you believe the search will yield evidence of the crime for which the arrest is being performed?

- Indication of furtive movements?
- Is there other P.C. presenting itself to allow you to search?

20. What is an Investigative Traffic Stop?

- US v. Arvizu (2002)
 - ◆ Ten reasons were individually susceptible of an innocent explanation, but you must examine the totality of the circumstances together.
- US v. Cortez, 449 US 411 (1981)
 - ◆ A vehicle can be stopped based on reasonable suspicion that a crime has occurred, not just a traffic offense.

21. Can I chase him if he runs?

- Illinois v. Wardlow, (2000). U.S. Supreme Court Finding:
 - ◆ Unprovoked flight of a person upon seeing the police in a high crime area, is reasonable suspicion, justifying police to pursue the suspect and then detain them.
- Flight by itself is not a basis to pursue and seize someone.

22. How long do you allow passengers to sit in the car before you approach?

23. When can you make the driver get out?

- Pennsylvania v. Mimms (1977) U.S. Supreme Court
 - ◆ The order to get out of the car, issued after the respondent was lawfully detained, was reasonable and thus permissible under the Fourth Amendment.
 - ◆ Establishing the face-to-face contact between the police and the driver diminishes the possibility that a person will do movements unobserved if sitting in their car, and assault the officer.

24. When can you make the passenger to get out of the vehicle?

- Maryland v. Wilson (1997) U.S. Supreme Court
 - ◆ It is reasonable for officers to order drivers and passengers in a lawfully stopped automobile, to exit the vehicle.
 - ◆ Officer safety is a “weighty interest” on a traffic stop given the number of assaults that occur on officers during traffic stops.

25. Can you reach into their pocket without their consent?

- Minnesota v. Dickerson, 508 U.S. 366 (1993) U.S. Supreme Court:
 - ◆ (Plain Feel Doctrine): The incriminating character of the object was not immediately apparent to the officer.
 - ◆ If the object is contraband, its warrantless seizure would be justified by the same practical considerations that inhere in the plain-view context.

26. Just because you can do one thing, does not always mean you can do the other.

- Ask them to step out of the vehicle
- Terry Pat for Weapons
- Investigative Detention
- Search of their person
- Search their vehicle
- Did you ask consent? Do you need to?

27. Could everyone in the vehicle have access to the evidence?

- New York v. Belton, 453 U.S. 454 (1981) U.S. Supreme Court Finding: You may also search the interior passenger area of a vehicle when arresting one of the occupants, including any containers open or closed found therein.

28. Can I search a locked glove box?

- US v. Palmer, 03-5115 (10th Cir.)(2004)
 - ◆ If an officer has specific articulable facts that rise to a reasonable fear for his safety during a traffic stop, the officer can search a locked glove box.

29. Is it reasonable to believe there is more evidence in the vehicle?

- Thorton v. U.S. (2004) U.S. Supreme Court
 - An apparently mobile vehicle may be searched without a warrant if there is probable cause to believe it contains evidence or contraband.
 - How is this different than Arizona v. Gant?

30. Can you make an Investigative Traffic Stop without a traffic violation?

- California v. Acevedo, 500 U.S. 565 (1991) U.S. Supreme Court Finding:

31. Is Plain Smell Probable Cause to search?

- State of Michigan v. KAZMIERCZAK, Docket No. 113452.– Michigan State Supreme Court
 - The smell of marijuana alone by a person qualified to know the odor may establish probable cause to search a motor vehicle, pursuant to the motor vehicle exception to the warrant requirement.
- United States v. Ashby, 864 F.2d 690, 692 (10th Cir.1988) –
 - Once probable cause exists for a search, the police have authority to search the entire vehicle.
- United States v. Ross, 456 U.S. (1982) –
 - If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search.
- Illinois v. Gates, 462 U.S. (1983) –
- United States v. Burnett, 791 F.2d 64, 67 (6th Cir.1986) –
- US v. Parker, 72 F.3d 1444 (10th Cir. 1995)-
- U.S. v. Downs, 1998 151 F.3d 1301 (10th Cir 1998)-
- U.S. v. Loucks, 806 F.2d at 209, (10th Cir.1986) –

32. If you find evidence on the driver, can you search the passenger’s property?

- Wyoming v. Houghton 526 U.S. 295 (1999)
 - Searching the containers and property of passengers even though no probable cause existed specifically concerning the passenger.

33. Is it really a Pre-Text Stop, if you have an investigative reason, or a traffic violation?

- Whren v. United States (1996) U.S. Supreme Court:
 - Since an actual traffic violation occurred, the ensuing search and seizure of the offending vehicle was reasonable, regardless of what other personal motivations the officers might have had for stopping the vehicle.
- United States v. Fuehrer, 8th Cir. 2016.
- United States v. Eldridge, 984 F.2d 943, 947 (8th Cir. 1993).
- United States v. Mendoza, 677 F.3d 822, 827 (8th Cir. 2012).
- United States v. Frasher, 632 F.3d 450, 453 (8th Cir. 2011).

34. What if your focus shifts from driver to passenger?

- ARIZONA v. JOHNSON (2009) U.S. Supreme Court:
 - Passengers, once outside the stopped vehicle, may be patted down for weapons if the officer reasonably concludes that they might be armed and dangerous.
 - A passenger is seized, just as the driver is, from the moment a car stopped by the police, comes to a halt on the side of the road.
 - An officer's inquiries into matters unrelated to the justification for the traffic stop, do not convert the encounter into something other than a lawful seizure.
- At what point can you do a Terry Pat?

35. Who can give consent to search?

- Do you already have enough reasonable suspicion or probable cause if they refuse consent?
- Doctrine of Apparent Authority
 - **Schneckloth v. Bustamonte 412 U.S. 218 (1973).** – If there is a legitimate need for such searches, the fourth amendment does not require that the subject be told he has a right to refuse to give consent;
 - **Georgia v. Randolph 547 U.S. 103, 126 S.Ct. 1515, 164 L.Ed.2d. 208 (2006)** –a consent by one is invalid when the other is present and objects.
 - **Illinois v. Rodriguez, 497 U.S. 177 (1990).** The duty falls on the officer to determine the person's relationship with the property.
 - **Fernandez vs. California, No. 12–7822. (February, 2014) U.S. Supreme Court Finding:** officers may search a jointly occupied premises if one of the occupants consents while the other occupant is absent.

36. Exigent Circumstances that violence was imminent

- Ryburn v. Huff, 565 U.S. (2012)
 - Perspective of the officers at the scene as events were unfolding.
 - The officer's belief that violence was imminent, a warrantless entry was appropriate and reasonable under the circumstances.
- Protective Sweeps

- Maryland v. Buie (1990) U.S. Supreme Court Finding: A protective sweep in conjunction with an in-home arrest is allowed when the searching officer possesses a reasonable belief that the area to be swept harbors an individual posing a danger

37. IS A K9 SNIFF A SEARCH?

- Illinois v Caballes, 543 U.S. 405 (2005)
 - POLICE HAD THE RIGHT TO BE THERE (VALID TRAFFIC STOP).
 - THE OBJECT SEARCHED (EXTERIOR OF VEHICLE) WAS IN A PUBLIC PLACE (NO EXPECTATION OF PRIVACY).
 - LENGTH OF STOP WAS REASONABLE (5-10 MINUTES).
- Whitfield v State of Florida, (Fla App 2010)
- U.S. v Villasenor, 688 F 3d 467 (9th Cir 2010)
- IGNORE THE CLOCK
 - Your window for conducting the sniff of a vehicle is measured by the time it should reasonably take you to process the motorist for the original purpose of the stop.
- Florida v Jardines, 569 U.S. 2013. (3-26-2013)
 - A warrantless canine sniff of the exterior curtilage of a private residence is unconstitutional.
 - It is an enhanced detection capability from outside of the residence to search the inside of the residence.

38. Force Science Institute - The Influence of Officer Positioning on Movement During a Threatening Traffic Stop Scenario, Law Enforcement Executive Forum, March 2013 Newsline #202

- The Scenario
- Findings
- Dr. Bill Lewinski, FSI's executive director –
 - Control the suspect's hands
 - Verbally and psychologically dominate the interaction through effective communication and tactical maneuvers.
- What the Bad Guy saw
 - Scott Buhrmaster, vice president of operations for the Force Science Institute

39. Tactical Traffic Stop Procedure, Step by Step

- What behavior drew your attention to the vehicle?
- Call the stop out before turning your lights on.
- How do they act while pulling over?
- How close do you position your patrol vehicle to theirs?
- Driver side or Passenger side approach?
- What movement or behavior do you see as you approach suspect's vehicle?
- Do you walk right up to make contact or pause at the back of the vehicle?
- What angle do you walk up to the car at?

- Where do you stand once you make contact?
- Don't ask "Panic Button" questions while they are still in the vehicle.
- Decide if you need to get subjects out of the vehicle, away from weapons.
- Do you get people out by yourself or wait till back up arrives?
- Don't be in a hurry to get back to your patrol car to run files.
- Get subjects out one at a time.
- How close do you want to be to subjects as they come out of the vehicle.
- When do you start your Terry pat down?
- Should they be detained with handcuffs?
- Shut the vehicle door after they are out of the doorway.
- Backup officers need to maintain their "Cover Role" unless responsibilities change.
- Contact and Cover officers need to constantly check in with each other.
- If you put a subject in the back of the patrol vehicle, someone needs to watch them.
- At any point you may need to disengage, create space, get to cover, get more backup, due to an increased threat level that has just presented itself.

40. The Tempe Study – The Impact of Visual Complexity, Decision Making and Anticipation

- Experiment Number One - 31/100ths of a second to complete the trigger pull.
- Experiment Number Three (Unable To Anticipate)- 56/100ths of a second to complete the trigger pull.
- Experiment Number Five (Anticipating bad guy shooting)- 46/100ths of a second.
- How this relates to a deadly force encounter:
 - Bad Guy Trigger Pull - .31 seconds.
 - Officer Reacting to Bad Guy Trigger Pull - .56 seconds.
 - Officer anticipating bad guy has a weapon - .46 seconds

41. Force Science Traffic Stop Study, Reactionary Gap – Chris Wisecarver and Melvin Tucker Journal: Law and Order, Volume:55, Issue:9, September 2007, Pages:10, 12, to 14

- Suspect draw and fire in an average of .25 seconds.
- An officer with his firearm securely holstered required to draw and fire, an average of 1.71 seconds.

42. Force Science Newslines #178:

- Suspects average to fire in just 0.38 second after initial movement of their gun.
- Officers average of 0.39 second after the suspect's movement began.

43. Force Science Newslines #245, Mental imagery boosts shooting accuracy under threat.

44. Threat Indicators of C.C.W. by Rich Hobson – Retired LT. Metro D.C.P.D. "Characteristics of armed criminals"

- Most criminals prefer handguns vs. long guns
- A gun is usually carried on the dominant side of the body
- You naturally blade your gun side away from a threat (police) like a fighting stance.

- Waistband, groin, small of back, pocket, ankle, inside footwear, under arm, fastened by a sling
- Most criminals don't use holsters because it makes it easier to access their gun.
- You physically alter your movement when carrying an un-holstered gun.
- Gun retention checks with hand, wrist, or arm.
- Your gun side arm is closer to your body.
- Elbow Bend to secure or retrieve a gun.
- Hunch over to retrieve it from their front.
- The handle, hammer, grip, butt, or barrel cause a protrusion.
- Striations, stretch lines, and or creases in clothing.
- Long hanging shirts, oversized clothing, layered clothing in hot weather, wearing gloves.
- Gun in a coat pocket - hang lower, cause it to swing, holding of the pocket.
- The average weight of a hand gun is 2.5lbs.

45. Threat Indicators on Traffic Stops

- Rising shoulders, sudden bends or leans, elbow movements, hand placements.
- Occupants constantly looking back at the officer, using mirrors.
- Occupants communicating with each other
- Keep your hands free.
- Keep a visual of all occupants not just the driver inside and outside the vehicle.
- Never search a car without backup, try not to get people out without backup unless officer safety dictates otherwise.
- Is it time for a Terry Pat Down? Should they be detained?
- Don't let them come up with a plan of how to use a weapon on you.
- Role of contact and cover officers
- Where did you park your patrol car to approach?
- Step out of your car when someone approaches it.
- Where is your gun side?
- Don't let your suspects wonder.
- Control the onlookers.
- Get them off of their cell phones.
- Multiple pat downs.
- Check the back seat of your patrol car.
- What are you going to tell them to do with their hands?
- What did you see?
- What history do you know about the subject?
- What information do you know before you make contact?
- How are they trying to avoid police?
- Rush right up there / Time is on your side.
- Use code words – "3562", "Let's go get coffee".
- If officer safety allows, explain, instead of order.

46. In Context - Understanding Police Killings of Unarmed Civilians by Nick Selby, Ben Singleton, Ed Flosi, Lawrence Mulvey, Clint Bruce

- 153 Unarmed civilians killed by police in 2015.
- Don't panic when the fight goes to the ground.
- Know what it feels like to get punched, know how to counter punch and out maneuver.
- Relying on the taser diminishes our use of physical moves.
- If you resort too soon to a taser, officers tends escalate to the next tool such as a firearm.
- Instead, if the officer had chosen to go hands on first, they would not escalate to their firearm as quickly.

47. Left of Bang - by Patrick van Horne and Jason a Riley

- Threat or No threat is determined by your five senses Sight, Sound, Smell, Taste, and Touch.
- Even a small amount of observed human behavior can indicate future human intentions.
- What does the baseline of the general motoring public look like during police contact?
- A change in this pattern needs be examined for context.
- Does the Anomaly rise above or fall below the baseline?
- Humans Run, Fight, or Freeze.
- Lying creates a cognitive load on humans.
- Human emotions are spontaneous and are often difficult to control.
- Humans are not good at multitasking and struggle to switch back and forth between activities due to stress overload.
- When someone is attempting to conceal their plan, they will:
- What does the norm look like at that moment?
- Are they wearing anything that identifies affiliations, motivations, or messages?
- Does anyone display emotional leakage from negative emotions like stress, discomfort, anger, or anxiety?
- Does anyone display movements that appear aggressive, uncomfortable, dominant, interested, or uninterested?
- What is being said and how they are saying it.

48. Is Your Equipment Setup to Win

- Do you have a heavy Plate Carrier, Does the bad guy one (practice head shots).
- Can you use your gun in the dark? Light Discipline with movement.
- Is your rifle ready to stay in the gunfight (magazines, zero in sight, light, sling, transition from handgun)
- Where do you carry your Tourniquet?
- Can you get to your back up weapon?
- Can you get to your magazines with both hands?

49. How are you setting up training at your department?

- Training Tasers and Air Soft/Co2 Gun provides realistic feel, weight, trigger pull, and sound.
- Prevent bad training habits.
- Each scenario should provide some type of pre-assault indicators for officer to pick up on before the use of force begins.
- Use of handcuffs is encouraged

- Take down techniques if traditional techniques don't work.
- Reduce the surprise factor - Your training should let you spend more time in the actions phase of an OODA loop (Observe, Orient, Decide, and Action)

50. Why do we train ground defense/ground escape techniques?

- Primary Goal = make the suspect compliant, in order to handcuff the suspect on their stomach, on the ground.
- Secondary Goal – Stay in the fight until you get suspect compliance, or help arrives.
- Escape from a bad position.
- Have you ever experienced the feeling of total exhaustion during a fight with a suspect?

51. Winning Mindset

- Professional Athletes and Police
 - Paid to Physically and Mentally Perform
 - How much does physical and mental preparation before a game, affect the athlete's game time performance?
 - When the athlete is injured, how much does physical and mental preparation affect recovery?
 - How do Elite Athlete's act, respond, and perform after a loss?
 - WHY?
- Practice Before You Need It
 - Mentally and Physically condition yourself for stress and inoculation before the event occurs.
 - Practice and Prepare in Conscious Competence – minimize stress during a response, reduce adrenaline. Perform in Unconscious Competence.
 - Train to lower arousal and increase emotional control.
- How our brain functions under stress according to Neuroscientist Joseph E. LeDoux – Amygdala
 - Epinephrine is released to get the body ready to Fight, Flight, or Freeze.
 - The one time event imprints its emotions.
 - 5 senses create the triggers from the Thalamus.
 - Future reminders generate the emotion again – Triggers.
- Components of Stress - Warrior Mindset – Asken, Grossman, and Christensen
 - Feeling unprepared, or not preparing (expecting a quiet night vs a busy night).
 - Negativity spreads faster than confidence (The Law of the Bad Apple, John Maxwell)
 - John Leach, Survival Psychology, 1994 - Perceptual Narrowing – Example - see your partner injured.
- Victims record details of the traumatic event on Post It Notes instead of a full sheet of legal pad paper.
- Arousal Level Determines Performance - Warrior Mindset – Asken, Grossman, and Christensen
 - The Inverted-U Theory (Yerkes-Dodson Law)
 - Level of arousal is determined by the nature of the task,

- Flow - No fear, no anxiety, skill is executed with little effort, clear direction, time slows down, complete awareness of action.
- Find your switch for proper preparation for survival.
- Trauma after the Critical Incident
 - Take your gun away
 - Take your badge away
 - No one talks to you.
 - Coworkers judge you without all the facts.
 - Did administration throw you under the bus? - "I'm Glad He Wasn't Black".
 - Time it takes an outside agency and prosecutor to clear you.
 - A previous life experience joins in on the emotional rollercoaster.
 - Investigators didn't share all of the details from the incident with you.
 - Time off makes you feel Out of sight, Out of mind.
- How To Get Through It
 - Don't let all of the sheep look like wolves.
 - Divide the pain, multiply the joy (Grossman).
 - You drive your own energy bus, Don't be an energy vampire (John Gordon)
 - When there is a void in communication, negativity will fill it.
 - Calm the muddy water.
 - In depth look at your thought process.
 - What are you responsible for? What do you control?
 - Being afraid is not cowardice, don't deny being afraid
- You Need Hobbies Outside of Work
 - Let yourself think in the simplest form.
 - Point A, to Point B, with no outside influence.
- Winning Mindset: Strengthen the Rational Brain
 - Are you training to survive or training to win?
 - The Law of Exercise Specificity - physical training should relate to your job assignment.
 - Do you only practice a Winning Mindset at Work?
 - OODA loop – Observe, Orient, Decide, and Action – Spend more time in the "Action" phase.
 - Poor situation assessment by the officer is usually the problem, and not the actions taken by the officer.
 - Have you prepared for an off-duty confrontation? Do you advertise that you're the police? Does your family know what to do?
 - Tactical Breathing lets you gain conscious control of your unconscious body movement (Grossman)
 - If your injured, get back in the fight until you win.
 - Being afraid of dying should make you want to learn everything you can about how to survive (Chuck Yeager-test pilot)
 - Train with imagination and emotion, your gun may not always be available.
 - Make them feel failure, put them in condition black (Lt Grossman).

- Low focus on negative emotions/thoughts, high focus on coping with shit sandwich, equals high performance.
- You will respond and act the way you think you should respond or act (mental preparation, physical training, skill level of tactics)
- Psychological Methods to Increase Arousal - Warrior Mindset – Asken, Grossman, and Christensen
 - Physical procedures to put yourself into W.I.N. mindset
 - Cue Words, Cue Images, Self Confidence Statements
 - Routines, Superstitions, and Habits
 - Attentional Focus – Clear the Mechanism
- Negative Thought Stopping – Dr. Joseph Cautela, Boston University
 - Distraction is more productive than suppression.
 - Imagine a STOP sign or flashing neon sign
 - Use reorienting commands
- Pre-Game Performance Imagery
 - Mentally rehearse what you will hear, see, smell, touch, and taste.
 - Focus on the process rather than the outcome (Sports Psychologist Dr. Mike Mahoney).
 - Imagine the technique and the energy to complete the movement (weightlifting).
 - Practice your response actions in varied sequence. Nothing will happen in the order you want it to.
- Progressive Relaxation Techniques
- Schemas
 - Make it make sense to you even if it didn't happen.
 - Fill in the gaps that were missing while experiencing the event or recalling the event afterwards.
- Emotional Survival for Law Enforcement, A guide for Officers and Their Families by Kevin Gilmartin Ph.D.
 - Anger and cynicism starts to influence how we talk to our family.
 - Hypervigilance is necessary to deal with potentially hazardous events.
 - On Duty – Alive, Alert, Energetic, Involved, Humorous, Camaraderie
 - Off Duty – Tired, Detached, Isolated, Apathetic, Angry
 - The Hypervigilance Biological Rollercoaster
 - Everyday life cycle of the officer and their family
 - Most officers think it is being caused by their family.
 - Emotional Overinvested in a police role, causes you to loss your sense of self.
 - You turn yourself into a victim.
 - Emotional Survivors Practice aggressive personal time management.

52. Closing

- Sometimes your best just isn't good enough
- Take the High Road
- Work Hard, Improve Daily, Expect to Win
- Big Time Players Step Up in Big Games

Referenced Material

Force Science Institute

Left of Bang - by Patrick van Horne and Jason a Riley

Warrior Mindset – Asken, Grossman, and Christensen

LaMaurice H. Gardner, Psy. D., Police Psychologist, **Copshock** – Surviving the emotional repercussions of law enforcement activity.

Emotional Survival for law enforcement: A guide for officers and their families - Dr. Kevin Gilmartin's

In Context: Understanding Police Killings of Unarmed Civilians - by Nick Selby, Ben Singleton, Ed Flosi