



# Staff NEW APPROACHES TO STAFF SAFETY Safety



Second Edition

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# Staff NEW APPROACHES TO STAFF SAFETY Safety



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# Foreword

In my 25 years as a criminal justice professional, I have had the privilege of helping develop and shape various aspects of officer safety programs. What has been most apparent to me as an administrator is the need for a clear mission statement and a defined scope of employment before implementing a program.

In many jurisdictions, probation and parole officers are designated as peace officers or having peace officer authority in addition to their normal duties. This designation is generally made by statutory authority and supported by agency policy.

If administrators who develop safety programs do not clearly define what the duties and functions of staff should be, the staff themselves will define their purpose. Likewise, if administrators dismiss the need for staff safety programs because of the fear of a “blurring of the mission,” they jeopardize their staff daily until an unfortunate event occurs. Both approaches can be equally threatening to the safety of staff and significantly increase the liability of the organization.

Organizations must ensure that their policies, procedures, training, and practices consider the role of staff safety in the daily operations and duties of a community corrections department.

The need for an officer safety program should never be questioned. Administrators must have a clear understanding of the responsibilities and duties of all staff and ensure that staff safety is the first and foremost concern. A concern for staff safety is not an argument for enforcement versus social work. The issue is whether departments require officers to perform job tasks where risks to safety are foreseeable.

As administrators we must put our fears and philosophies aside and open our minds to the real issues at hand. If officers are required to perform functions that may be dangerous, the department is obligated to provide the skills needed to perform the job in a safe and effective manner. Are staff given all the tools they need to carry out their daily tasks effectively, or are they being set up for failure and exposed to great risk and liability?

Also, as administrators we must focus on the safety of all staff through clear policy, practice, and training before we can address probation, parole, and community corrections’ mission of protecting and securing our communities by intervening effectively with offenders.

Kathy Waters  
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# Preface and Acknowledgments

The purpose of this project was to update the National Institute of Corrections' (NIC's) 1993 publication *New Approaches to Staff Safety* and thereby continue to help community corrections practitioners evaluate training needs related to officer safety. The original publication describes staff safety training principles and provides concepts and resources the authors identified as effective in specific training areas.

The review committee, brought together by Dan Richard Beto, Executive Director of the Correctional Management Institute of Texas at Sam Houston State University and Director of Project Spotlight, advised that the new edition should focus more attention on current concepts and standards in officer safety training. To accomplish this goal, many programs around the country were reviewed and officers and administrators interviewed.

An additional goal of this monograph is to describe hazardous duty situations that have occurred and help agencies choose safety tools and training based on fact rather than rumor and unsupported opinion. Using this monograph, agencies can better determine their respective training needs, evaluate the most current information in various safety training areas, and explore a variety of information and resources to obtain training or help in developing their own training programs.

This monograph offers community corrections agencies and trainers current information on staff safety training issues. The purpose is not to provide a prepackaged training program but to identify key issues for training. Each agency has its own policies and procedures around which dynamic, interactive training can be developed.

My research into staff safety training programs, models, and issues could not have taken place without the assistance of a number of community corrections professionals across the country. In 1990, William Parsonage, supported by a grant from NIC, produced a monograph, *Worker Safety in Probation and Parole*. This publication discusses the "victimization" of parole and probation officers and provides valuable information on how, when, and by whom officers are victimized. It also describes how the community corrections professionals perceive the training that has been offered to them and what topics or concerns were yet to be addressed. Parsonage's publication should be reviewed in conjunction with this publication. It inspired the research for *New Approaches to Staff Safety*, which has become one of the most requested documents produced by NIC.

Parsonage's work dealt specifically with parole and probation officers. The subsequent safety-related publication released by NIC, *New Approaches to Staff Safety*, expanded its focus to include staff involved in pretrial services, electronic monitoring, and community corrections. For that reason, the term *community corrections officer* has been adopted to cover all these varied job functions.

Staff safety continues to receive growing attention. This project attempts to provide the most current information available. The resources provided are the result of personal contact with scores of leaders in the staff safety training field. Although onsite visits were made to various agencies that have developed innovative safety programs, not all such programs were identified. This resource is not intended to be definitive. Rather, it should serve as a catalyst to develop training programs further and share information.

Staff and administrators who were interviewed identified the cost of providing training as a major concern. Although many programs and types of equipment involve substantial financial outlay, methods by which effective, dynamic training is provided at minimal cost are identified. Preventing even one serious injury or death is worth the cost of many hours of training or the expense of soft body armor for hundreds of officers.

There can be no excuse for lack of attention to personal safety issues. People are the greatest resource in the criminal justice system. Agencies and officers alike need to share a sensitivity to staff safety and a dedication to ongoing, dynamic safety training programs.

Rick Faulkner, NIC Project Manager, has continued to champion officer safety, and without his support and assistance this document would not have been possible. He facilitated important contacts, obtained resource documents, and helped locate the best sources of safety training and information.

George M. Keiser, Chief of the Community Corrections Division of NIC, has also been very involved in staff safety and has begun planning additional projects to bring safety-related information to the community corrections profession.

Finally, my contributing authors, Joe Barton and Ron Schweer, and I wish to express our appreciation to the many officers across the country who shared their programs, ideas, and feelings about staff safety issues with us. Special thanks to those officers, staff, and families who have looked down the barrel of a gun, suffered assaults, and experienced the resulting trauma. Their openness and honesty about their experiences and the aftermath provided invaluable insight into issues that should be stressed in safety training.

Robert L. Thornton

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# Introduction

This revised edition of *New Approaches to Staff Safety* helps community corrections agencies and trainers evaluate current training needs relating to officer safety. While the information is targeted to officers, many training areas apply to all staff working in a community corrections setting.

In the initial research on staff safety described in his 1990 monograph *Worker Safety in Probation and Parole*,<sup>1</sup> William Parsonage dealt with information obtained solely from the parole and probation field. In the National Institute of Corrections' (NIC's) 1993 followup document, *New Approaches to Staff Safety*,<sup>2</sup> the authors included information relevant to a broader spectrum of community corrections personnel, such as pretrial services officers, electronic monitoring coordinators, and halfway house workers. This document continues that endeavor.

Although Parsonage's study established the need for safety training and introduced the concept of *officer victimization*, the *New Approaches* monograph identified specific safety training needs, legal issues in safety training, research on the most effective training techniques, and resources in the respective safety training areas. The goal was to provide information to enable an agency to become an "educated consumer" and better evaluate the quality of training programs offered or develop its own training package that meets its specific needs. This second edition continues that goal, bringing updated information, statistics, concepts, and safety training programs to the reader.

The author determined the following areas to be of the greatest need and importance in developing a total staff safety program. Certain areas may not be relevant to all offices; for example, if officers are not allowed to carry firearms, issues concerning firearms training are not pertinent.

- Use-of-force/use-of-control continuum.
- Crisis prevention.
- Physical fitness.
- Soft body armor.
- Office safety.
- Arrest, search, and seizure.
- Firearms training policy.
- Planning an arrest.
- Using canines in searches.
- Transporting offenders.
- Communications equipment.
- Verbal diffusion techniques.
- Electronic monitoring.
- Critical incident programs.
- Self-defense training.
- Oleoresin capsicum (pepper spray).
- Identification apparel.
- Office standards.
- Legal issues.

- Search teams.
- Handcuffing.
- Contraband management.
- Urban versus rural issues.
- Personal protection information.
- Methamphetamine labs.
- Line-of-duty-death protocols.

Each topic area includes a discussion of the problem, issues to consider in evaluating or establishing a training program, training resources, and a summary of salient training issues. This format makes it easy to find topics within the monograph and review important training issues.

Kicking off the research phase of the project, an article in the “Spotlight on Safety” section of the American Probation and Parole Association (APPA) quarterly journal *Perspectives* called for current and innovative community corrections programs. With the help of Dan Richard Beto, Executive Director of the Correctional Management Institute of Texas and Director of Project Spotlight, an advisory group was created to help gather information and provide further direction. In addition, the professional literature on safety training programs currently used by community corrections agencies was reviewed.

The author initiated personal contacts, based on information gathered from these sources and from personal knowledge of staff safety trainers. As interviews were conducted, new programs created since the publication of *New Approaches to Staff Safety* in 1993 were uncovered. In addition, the author explored areas of greatest worker concern and potential misunderstanding in depth.

Once the author identified training programs, both trainers and participants were

contacted about the curriculum and their perceptions about the training. Onsite visits revealed—

- The quality of the training provided.
- The effectiveness of the curriculum in relation to the needs established by the agency.
- The degree to which skills taught in training were retained, as determined through followup interviews with participating staff.
- How the training could be improved.
- What additional training was needed in the opinion of both staff and administration.

The author visited both urban and rural community corrections agencies, as their needs in some situations are different.

Many safety areas lack training specific to community corrections. In many cases, law enforcement agencies have addressed the training issue for some time and have effective training programs in place. But some community corrections personnel feel training is not relevant when it is provided in a strict law enforcement mode. When the content is modified to situations specific to corrections, the program is well received and viewed as quite relevant. This is especially true concerning the areas of arrest, search, seizure, communication, and critical incident counseling.

Lack of information and failure to share the information that is available are the greatest barriers to finding, evaluating, and providing quality safety training and developing safety policies. Compared with law enforcement, far less information is available on current training issues and quality training programs for community corrections officers so that agencies waste many hours “reinventing the wheel.”

The misperception that few incidents of death or assault occur among community corrections officers illustrates the lack of information about this most important issue. Safety concerns continue to be dismissed by some who say “a probation officer has never been killed.” Parsonage found that a central repository for information on community corrections officers’ deaths and assaults did not exist—unlike that for law enforcement. NIC, APPA, and the Correctional Management Institute of Texas have each tried to fill this gap. But, with no legislative mandate, few agencies where community corrections officers work provide information or even keep their own records. Thus, with the exception of a few individuals who are interested in staff safety, the effort is to no avail. Consequently, although interest in safety training is increasing, it has not reached the same level as in law enforcement.

Again, unlike law enforcement, the community corrections field has not suffered lawsuits based on its failure to train. When that occurs, an even greater push will be made for safety training. Community corrections has a very good track record in the area of use of force, but the challenges ahead are increasing.

This monograph is a continuing effort to identify and consolidate the current training issues regarding—

- Legal issues in safety training.
- The importance of dynamic versus static training.
- A total approach to staff safety—for the office, field, and personal environments.
- Evaluating training programs.
- Developing training programs to meet specific agency needs.
- Comparing leading programs in the respective training topics.
- Developing training with little or no funds.

Agencies can select a prepackaged program or develop their own. Every agency does not need to reinvent a training program for each topic or skill area. With the most current information on safety equipment and other aspects of safety training, agencies can make more informed decisions. They can avoid expenditures for equipment that is outdated or does not fit their specific needs, resulting in more efficient use of personnel and funds.

## Use-of-Force Continuum

A use-of-force continuum, also known as a continuum of control, subject control policy, or subject management policy, is a model by which an officer can choose appropriate verbal and physical reactions to someone's hostile behavior, stop the behavior, and establish control—but no more. The ultimate goal is to control the subject and situation without overreaction.

For many years, law enforcement and corrections agencies have provided training in areas normally covered in a use-of-force continuum, including defensive tactics, impact weapons, and firearms. However, agencies often overlook the issue of when to use a particular skill. Cases such as *City of Canton v. Harris*,<sup>3</sup> *Popow v. City of Margate*<sup>4</sup> (see the “Arrest, Search, and Seizure” chapter), and *Davis v. Mason County*<sup>5</sup> point to an agency's responsibility to adequately train officers. They also address the liability issues of failing to do so. A use-of-force/use-of-control continuum is a method by which an officer and agency can articulate the reason for a specific level of force. It also is the foundation for training in verbal intervention, defensive tactics, chemical agents, impact weapons, firearms, legal issues, and report writing.

In *City of Canton*, the plaintiff sued the police department for failing to train its personnel adequately to deal with arrestees' medical problems. The U.S. Supreme Court discussed a circumstance in which a failure to train could be construed as a policy by noting that,

In light of the duties assigned to specific officers . . . the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policy makers of the city can reasonably be said to have been deliberately indifferent to the need.<sup>6</sup>

To illustrate this point, the Court cited the specific issue of judgment training:

City policy makers know to a moral certainty that their police officers will be required to arrest fleeing felons. The city has armed its officers with firearms, in part to allow them to accomplish that task. Thus, the need to train officers in the constitutional limitations on the use of deadly force . . . can be said to be “so obvious” that a failure to do so could properly be characterized as “deliberate indifference” to constitutional rights.<sup>7</sup>

*Davis* is especially relevant to community corrections in that it did not relate to the use of a firearm during an arrest, but to “empty-hand control,” which was used by officers during an arrest. In this case, the court held that the practice of training officers on use of force falls within the sheriff's policymaking authority.<sup>8</sup> Most deputies involved in the case had some type of training in the use of force, even if it was minimal; the issue was the adequacy of training. They received no training on its constitutional limits.

The logical conclusion is that agencies that require officers to perform specific job functions (arrest, search, field contacts, electronic monitoring) and authorize them to use specific equipment (personal defense sprays, batons, firearms) have a training responsibility as well. The base for this type of training is the use-of-force continuum.

But what about officers who do not perform searches, arrests, or the like? Do they need a use-of-force continuum and policy? The answer is yes. Administrators know that officers' roles and functions expose them to situations where they may need to use force to protect themselves. Officers need to be aware of the degree of force that is appropriate in response to each *perceived* threat.

A safety survey conducted by the National Association of Probation Executives (NAPE) in October 1999 found that more than 30 percent of agencies surveyed did not have a use-of-force continuum. Of those that did, 20 percent indicated that it did not describe the assailant's behavior against which force could be used.<sup>9</sup> To list only the force options available is to deal with only one part of the issue. Officers also need to know the type of behavior to use the respective technique or safety equipment against.

It speaks well of community corrections that, as of this writing, research has failed to discover a successful lawsuit resulting from inappropriate use of force by a community corrections officer during the performance of his or her duties. At least one lawsuit is in litigation, however.

## FORCE/CONTROL POLICY

Because the use of force or control does not occur in a vacuum, it should not be taught as an isolated event. Defensive tactics are often taught under static conditions, lacking the dynamics of a real confrontation, with the result that officers may have little confidence in the tactics and techniques learned.

Realistic training, involving use-of-force option selection by officers, is needed to evaluate their understanding of the department's policies. Realistic simulations ranging from low level to high level provide a solid experience base for officer decision-making and timely feedback on the instruction given.<sup>10</sup>

Darrell Ross<sup>11</sup> outlines 10 steps in developing a use-of-force policy (see "Steps in developing a use-of-force/control policy").

### *Steps in developing a use-of-force/control policy*

1. Formulate a policy team.
2. Develop a work plan.
3. Structure a policy on physical force.
4. Draft the policy.
5. Review and revise the policy.
6. Assemble and distribute the policy.
7. Train staff.
8. Implement the policy.
9. Apply the policy, allowing time for officers to function under the policy.
10. Evaluate and revise the policy.

Many law enforcement and community corrections agencies, as well as private companies, provide training in the skills covered in a use-of-force continuum, such as verbal diffusion and defensive tactics. Many agencies require that an updated use-of-force policy be in effect and that each officer sign a document stating that he or she has read and understood the use-of-force policy. Many agencies also recommend annual inservice training on the contents and updates of the use-of-force policy for all officers.

## FORCE/CONTROL MODEL

Many training organizations have produced use-of-force/control models. These models

typically involve four to five levels of force or control. The progression starts with officer presence and moves through dialog, empty-hand control, impact weapons, chemical agents, and use of firearms. Steps or techniques within these categories can be used before proceeding to the next level. These models present the control continuums in a stair-step fashion that some feel implies that the officer must apply one technique before attempting the next level. For this reason, some agencies have developed models with the officer at the center of a wheel. Whatever model is used, it is important that all use-of-force options available to the officer are listed, along with the assailant behaviors that trigger these options.

Just as control can escalate, it can also deescalate. When officers have gained control, they must reduce the control level. Officer safety instructors must thoroughly

understand the various models and motivate their students to play the “what if” game, rehearsing (if only mentally) how they will respond to various situations.

Again, only a few models address the type of individual or situation to which to apply the various levels. Inappropriate application of a technique can result in either excessive or ineffective control. Instruction should address not only the levels of control, but also the appropriate level of threat. R.E.B. Security’s manual on Cap-Stun® weapon systems states, “Sometimes we have put too much emphasis on *how* to apply force and not enough training into *when* to apply force” [emphasis added].<sup>12</sup>

Exhibit 1 contains a use-of-force model developed for the Administrative Office of the U.S. Courts and is a recent modification of the original model developed by the

**The Use-of-Force Continuum Developed by the Federal Judicial Center**

		Aggressor’s Actions	Officer’s Response
<b>EXHIBIT 1</b>	<b>Officer’s Self-Defense Tools</b>	<b>Compliance</b> Subject is cooperative without direction.	Open stance Interview stance Defensive stance
	Presence	<b>Resistance</b> Subject is cooperative in response to direction.	Questioning and assessment Light control (advise) Crisis diffusion Heavy control (warning)
	Verbal		
	OC (Pepper Spray)	<b>Hostility</b> Subject is aggressively offensive and may cause physical injury.	Verbal warning Hand on OC Present OC Use OC
	Empty-Hand Control		Verbal warning Defensive stance Defensive action
Firearm/ Lethal Force	<b>Overt Hostility</b> Subject’s actions will probably cause death or serious physical injury.	Verbal warning Hand on weapon Draw/point weapon Shoot/strike	

Source: Federal Judicial Center, Washington, D.C.

Federal Judicial Center and introduced in training during the summer of 1993. It incorporates varying levels of control with varying degrees of resistance. Any use-of-control model should be brief and straightforward. Officers must be able to recall it easily under the stress of the situation.

When asked during training for examples of threats not covered by this model, participants generally ask about children, or mentally disturbed persons, or dogs. Responses should stress that the sex, size, age, or motivation of the assailant does not matter; what matters is the level of threat the assailant poses to the officer. Although we may be morally opposed to using lethal force against a woman or a child, it may be justified if the individual poses a threat of serious physical injury or death and if a lesser force or control will not stop the threat.

If the assailant is a dog, what level of threat does it pose? Can a German shepherd or Rottweiler that is behaving as if it might attack cause serious physical injury or death? It certainly could, and therefore lethal force may be appropriate. A Chihuahua, on the other hand, may inflict physical damage that justifies a control response, but it probably will not cause serious physical injury or death.

Authorities may disagree on what constitutes the various levels of threat and what levels of control should be used against them. For example, where should oleoresin capsicum (OC) spray, also called pepper spray, be placed on the continuum? Some authorities advocate the use of OC as the third level in the continuum, after presence and verbal instruction. The theory is that OC spray precedes physical contact because it poses less of a chance of either party suffering injury. Other authorities, including the use-of-force model from R.E.B. Security's *Aerosol Instructor Training Manual*, place OC spray at level four, after passive control such as pain compliance, pressure-point control, and escort tactics.

These questions should be resolved and written into agency policy, but who will develop the policy? In most cases, it is developed by senior administrators within the agency. But, agency heads may not have the best information and understanding of the concepts, laws, and procedures that relate to the use of force. Many policies set officers up for injury and legal action because they are developed by administrators who, although well meaning and concerned about litigation against their agency, do not understand the dynamics of confrontations and the appropriate application of control techniques.

When developing a use-of-force/control model, each agency needs to first look at the types of training provided. It does no good to have a model that incorporates many skills—verbal intervention, empty-hand controls, OC spray, batons, defensive tactics, and firearms—unless the agency provides training in each area. As new skills and equipment are added, the model can be revised. An agency must be able to defend whatever model is selected or developed for use.

Many agencies have formed committees of individuals representing varied positions within the organization to develop a use-of-force/control policy. Committees must include individuals who are recognized authorities on use-of-force/control issues. These subject-matter experts may not be members of the department but must be able to educate others on the committee about use-of-force/control concepts, issues, tactics, and equipment.

Just such a committee was recently formed by the Arizona Supreme Court. The court's ad hoc safety committee was charged with developing a policy regarding the use of control by probation officers in the State of Arizona (see exhibit 2). The committee was made up of probation administrators, probation officers, subject-matter experts, and a presiding judge. The judge indicated

that, although he had worked with probation officers for years, he was not aware of many of their specific job tasks and the dangers they face. As a result of his committee work and meetings with officers and administrators, he became an advocate of probation officers and their safety and has helped the agency educate other judges, legislators, and the public.

By understanding the relative force behind various control options and knowing how they potentially affect an adversary, officers can better select those best suited to the physical resistance they face. They can refer to this framework when they must make split-second decisions. If officers have both confidence and skill in the verbal and physical components of the control continuum, they will be less likely to resort prematurely to firearms. They can cite the control continuum, identify where the situation ranks in intensity, and articulate the reasons for selecting one option over another. Through training, all officers and administrators

will have a common understanding of the dynamics of confrontations, which will minimize the “Monday morning quarterbacking” that can be so detrimental to both individuals and organizations after a use-of-force/control situation (see exhibits 3–6).

## OTHER POLICY MANUAL CONSIDERATIONS

“Physical force is to be used only in circumstances of justifiable self-protection or the protection of other persons.” This is a common opening statement of many force/control policies. A manual, however, cannot and should not attempt to state an accompanying course of action for every situation an officer may encounter. The policy manual should provide general guidelines for officers but allow them to use discretion based on the perceived threat. An article in a professional police journal states, “During times of high stress when an officer is forced to protect his/her own life or the life of another, the

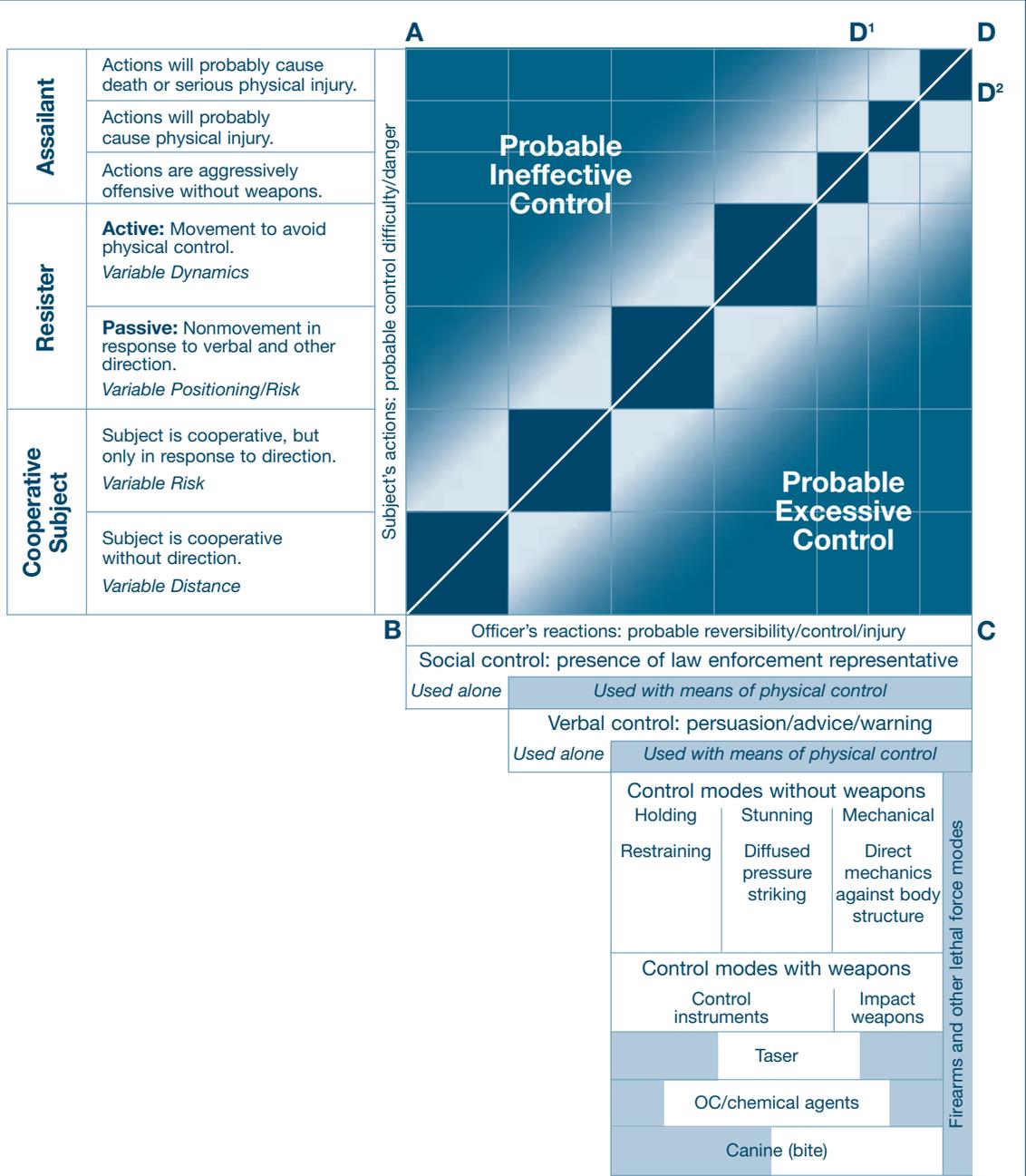
### EXHIBIT 2

#### Continuum of Control Developed by the Arizona Supreme Court’s Ad Hoc Safety Committee for Probation Officers

Level of Control	Officer’s Actions	Subject’s Actions
<b>Presence</b>	Identification of authority Interview stance Defensive stance	Subject is cooperative.
<b>Verbal</b>	Advise Questioning and answering Warning	Subject is cooperative only in response to direction.
<b>Empty-Hand Control</b>	Personal defensive tactics Control holds Pressure points	Subject’s actions are becoming aggressive and may cause physical harm.
<b>Oleoresin Capsicum (OC)</b>	OC tactics	Subject’s actions are becoming aggressive and may cause physical harm.
<b>Impact Weapons</b>	Batons Weapons of opportunity	Subject’s actions are likely to cause physical harm.
<b>Lethal-Force Techniques</b>	Potential deadly-force tactics	Subject’s actions may cause serious physical injury or death.

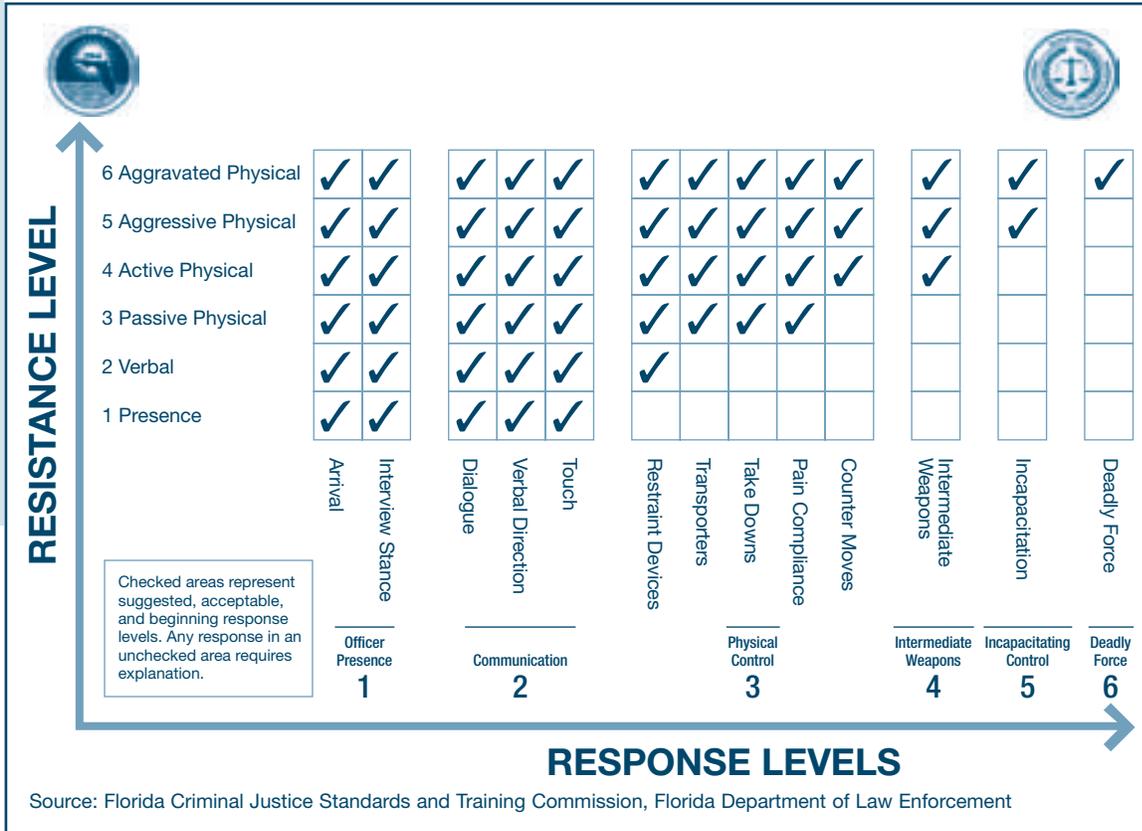
Source: Ad Hoc Safety Committee for Probation Officers, Arizona Supreme Court.

Use-of-Force Model: The Use-of-Force Paradigm for Enforcement and Corrections

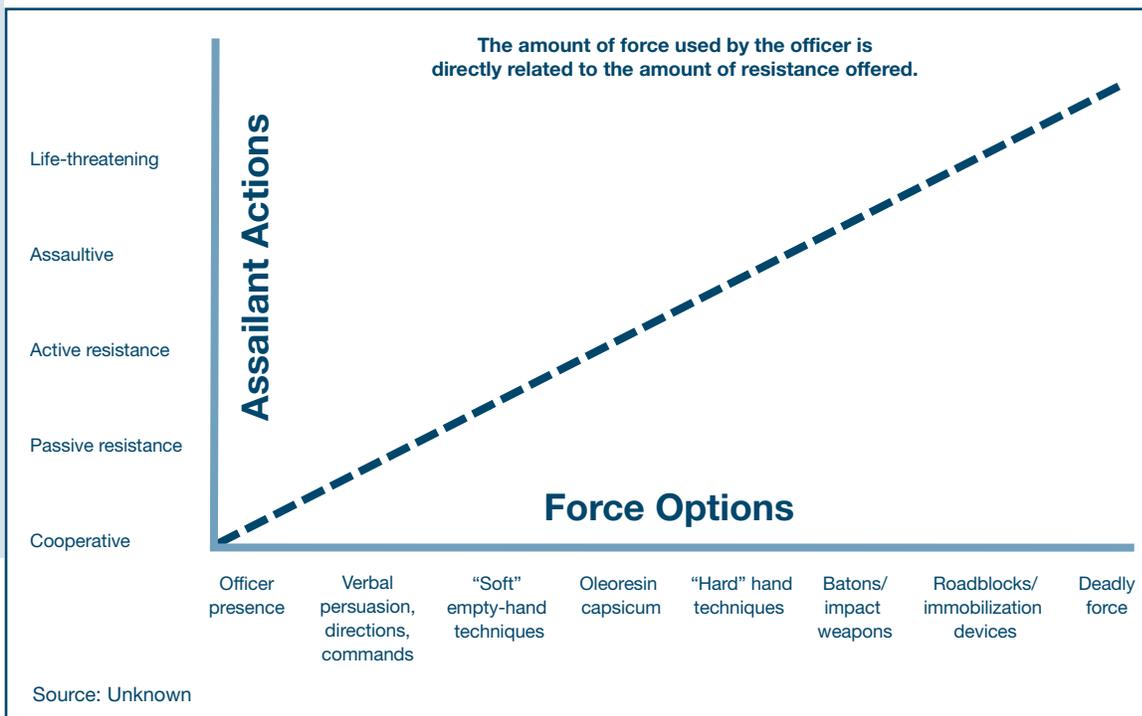


Source: Copyright 1983, John C. Desmedt, Protective Safety Systems, Inc. All rights reserved. Adapted with permission.

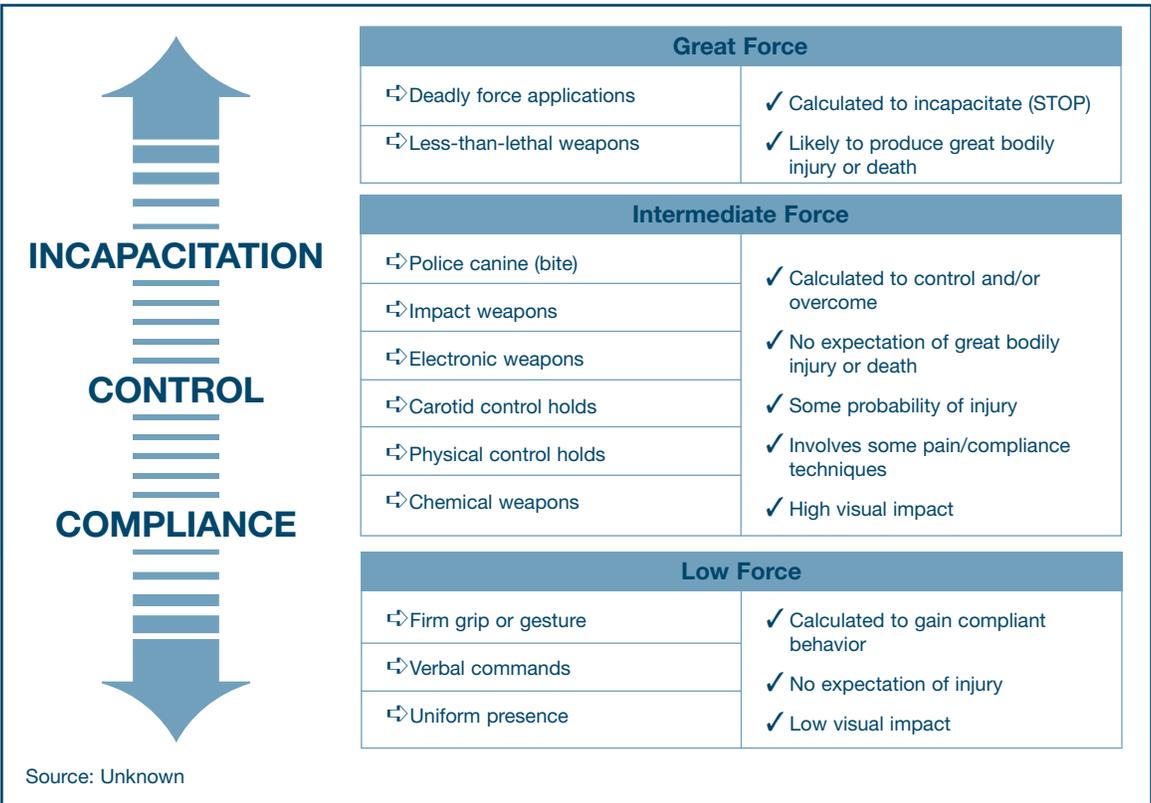
**Recommended Use-of-Force and Levels-of-Resistance Matrix Developed by the Florida Criminal Justice Standards and Training Commission**



**Use-of-Force Continuum Showing Assailant Actions and Force Options**



Use-of-Force Continuum Showing Great, Intermediate, and Low Force Levels



human mind is not searching for the information of what it is not allowed to do, but is focusing on what it can or should do. Any policy relating to force should empower an officer, offering appropriate responses and not imposing restrictions.”<sup>13</sup>

Most community corrections policies dictate that corrections officers—unlike law enforcement officers—should consider withdrawing from the situation and securing assistance when possible. When the option to disengage is available, community corrections officers must have a clear understanding of when and against whom they can initiate a use of control. For example, what options does an officer have based on law and agency policy if, when making a home contact, he witnesses an assault between two individuals who are not on his caseload? Although many officers would feel an obligation to intervene, it is against agency policy in some jurisdictions. If they intervened,

they would be acting as private citizens and would lose the protection of the agency. In other jurisdictions, their intervention would be appropriate, if not expected, and officers would be protected (see “Oklahoma officers use their police powers”).

What opinion would your attorney general and your agency hold? Laws and the powers of probation and parole officers vary among jurisdictions, but everyone should have a clear understanding of them before encountering such a situation. It is the obligation of each agency and its training staff to make sure officers are offered specific guidance regarding their legal authority and the agency’s policy, especially when they conflict.

### WRITING THE REPORT

Half of all community corrections officers experience a hazardous situation that calls for the use of force in their careers. When an

officer submits a report on such a situation in a jurisdiction that has a good use-of-force model, will those who review the report understand the reasons for the actions taken? Reviewers do not have to agree with the actions taken. They need only find that the officer's actions were reasonable under the totality of the circumstances. One use-of-force expert referred to jury instructions from a federal court case that read, "When you make your decision as to the appropriateness of this officer's actions, you must place yourself into the footprints of the officer, and base your decision only on the facts that the officer could have known, or should have known at that time."<sup>14</sup> The expert explained that the only way the court can be placed into the officer's footprints "is through the written or spoken words of the officer."

Officers involved in a use-of-force situation must create a written report that will let readers know what the conditions were, physically and psychologically, at the very instant their decisions were being made. The report must articulate the following elements that justified a use of force:

**Intent:** The assailant had the means and the officer believed he or she was in jeopardy.

**Weapon:** The assailant had a weapon that could cause the officer physical injury or death. (Fists, feet, and other body parts can be used as weapons.)

**Delivery system** (sometimes referred to as opportunity): The assailant had the means or opportunity to cause the officer physical injury or death.

**Target:** The officer or another person was in proximity to the individual so that, with the weapon available to the assailant, that person could cause the officer physical injury or death.

The report could also address other issues, regulations, or policies specific to an agency or locale. The officer writing the report

## **Oklahoma officers use their police powers**

In a late afternoon in January 1998, two officers with the Oklahoma Probation and Parole Department made a home contact at an apartment complex in Oklahoma City. As the officers spoke with the offender, someone entered the apartment and pointed out a man standing a short distance away who was arguing with a woman and held what appeared to be an assault rifle.

Both officers drew their weapons and approached the man. They identified themselves as police officers (probation and parole officers have police powers in Oklahoma) and repeatedly ordered him to put his gun down. The man, with his back to the officers, refused.

When the officers were 7 to 10 feet away, the suspect glanced back at them. The officers continued to identify themselves and command him to drop the gun. Moving his hand to the forearm of the rifle, he turned, and pointed it at the officers. One officer fired a round into the assailant's chest, and the suspect collapsed and later died.

The investigation into the incident concluded the next month. The district attorney stated:

Based on the evidence, it is the opinion of this office that the use of deadly force on January 27, 1998, by the probation officer was justifiable under the Constitution and laws of the United States and the State of Oklahoma. Use of deadly force by officers who are in the performance of their legal duties, and when there is a reasonable belief that it is necessary to protect themselves and others from serious bodily injury or when such force is necessary to effect an arrest where there is probable cause to believe a deadly weapon has been or will be used, is legal under the laws of the State of Oklahoma.<sup>a</sup>

a. Letter from Patrick J. Morgan, 1st Assistant District Attorney, Oklahoma County, Seventh District, State of Oklahoma, to Bernard Ward, Supervisor, District 6, Oklahoma Department of Corrections, dated February 3, 1998.

should put himself in the place of the potential readers and answer any questions they might have. Experts warn that it may be difficult to recall everything and that no one should feel compelled to “make something up.” In a high-stress situation, perception and recall are affected. One officer may recall the incident one way and a coworker may recall it differently (see “Officers’ distorted perceptions in deadly force situations”).

Because of perceptual distortions, according to the authors of *Deadly Force Encounters*,

[Y]ou may not see or hear things that happen, or you may see or hear things that didn’t happen. If you start experiencing such things and don’t know about this phenomenon, you could start thinking you are crazy.<sup>15</sup>

Officers may argue among themselves over what actually happened. Most important, investigators may think an officer is lying about high-stress events although he is telling them the truth as he perceived it.

### *Officers’ distorted perceptions in deadly force situations*

The authors of *Deadly Force Encounters*<sup>a</sup> surveyed 53 officers involved in deadly force situations and found the following distortions of perception.

**Sound.** Eighty-seven percent experienced diminished hearing. Some did not hear certain sounds at all, including gunfire, shouting, or nearby sirens. Some stated that sounds had an unusually distant, muffled quality. Fifteen percent reported intensified sounds; some sounds seemed much louder than normal.

**Sight.** Eighty-three percent experienced tunnel vision: an intense focus on the perceived threat and a loss of peripheral vision. Seventy-four percent reported heightened visual clarity, stating they could see details or actions with unusually vivid clearness and detail.

**Time.** Seventy percent experienced slow-motion time; events seemed to take longer than they actually did. Fifteen percent experienced fast-motion time; actions seemed to happen faster than normal.

**Memory.** Sixty-four percent reported memory loss for parts or aspects of the event. Sixty-two percent reported memory loss for some of their own actions. Twenty-one percent reported memory distortion. They saw, heard, or experienced something during the event that later turned out not to have happened.

**Thought.** Eighty percent said they “went on autopilot”: a reflex response to threat with little or no conscious thought to their actions. Fifty-one percent reported “dissociation”: moments of strange detachment, as though the event were a dream or they were looking at themselves from outside the action. Forty percent experienced intrusive, distracting thoughts. Thoughts irrelevant to the immediate tactical situation popped up, such as thinking about loved ones or future plans.

**Movement.** Thirteen percent experienced temporary paralysis: a brief time of feeling unable to move.

a. Artwohl, Alexis, and Loren W. Christensen. 1997. *Deadly Force Encounters*. Boulder, CO: Paladin Press.

## Crisis Prevention

The public continues to be concerned about crime, particularly violent crime. Citizens have demanded that the criminal justice system focus more of its efforts on punishment and control rather than on rehabilitation. Many jurisdictions have suffered severe financial losses because courts have ruled that members of the public were victimized because of officers' failures to supervise offenders properly. From 1999 to 2001, the Washington State Department of Corrections lost almost \$53 million in jury verdicts and settlements to victims or their families.<sup>16</sup> Increased accountability has resulted in stricter conditions of supervision and more emphasis on enforcement. Programs such as Project Nightlight, Project Spotlight, and Operation Nighthawk provide more intense supervision of offenders who are at high risk of reoffending. An obvious byproduct of these new programs and changes in the way officers conduct supervision is a greater concern for the personal safety of the officers.

### REHABILITATIVE VERSUS PROACTIVE ROLE

Under the rehabilitative model, offenders view community corrections officers as brokers of treatment services rather than threats to their freedom.

With more proactive approaches to community corrections and an increased emphasis on accountability, officers spend more time on surveillance and enforcement. Both

officers and offenders increasingly view the relationship as adversarial—even regarding a task as basic as taking a urine sample. The subsequent potential for aggression and victimization increases dramatically.

As officers and management recognize the increased threat, the emphasis during training on techniques associated with law enforcement has resulted in a conflict of roles for some. The acts of surveilling, searching, and in some cases arresting offenders cause great concern and discomfort for some officers and many administrators. Thus, the debate continues about the role of community corrections. In practice, the jobs that current officers perform range from social work-oriented tasks to law enforcement activities. That is the unique aspect of community corrections work. To meet the needs of all the people they serve—offenders, the public, and the courts—they must be able to function appropriately along this continuum.

When officers are asked in training programs where they see themselves on this continuum, many put themselves in the middle. But, to optimize their effectiveness, they need to be able to move from one end of the continuum to the other when it is appropriate. A well-rounded officer can lead a counseling group in the morning and conduct surveillance in the field and make an arrest if warranted in the afternoon. Performing all these functions effectively presents a challenge not only to officers but also to administrators and trainers.

## OFFICER VICTIMIZATION

Most probation and parole officers will be victimized while performing their duties. Victimization, as defined by William Parsonage, is “any violence, threat of violence, intimidation, extortion, theft of property, damage to one’s reputation, or any other act that inflicts damage, instills fear, or threatens one’s sensibilities.”<sup>17</sup> Most workers in the criminal justice system, from clerical to administrative, consider victimization a serious possibility. Officers see offenders as more dangerous than in years past, posing more of a threat to staff safety.<sup>18</sup> Gradually, the need for training on issues such as firearms and body armor has been recognized. Dealing with verbal aggression, a common behavior encountered by officers, is more often included in training programs.

Most aggressive incidents involving community corrections officers occur either in the office or the offender’s home. Probation and parole officers are at considerable risk when making field contacts. Assailants may decide when, where, and whom to attack for selfish or irrational reasons. Individuals who attack generally act alone, without ties to criminal or deviant groups. Almost anyone, male or female, young or old, can attack or assault an officer.<sup>19</sup>

Because the victimization of community corrections workers is a new phenomenon, researchers have done little to examine the problem. William Parsonage<sup>20</sup> suggests that the problem is both extensive and pervasive: The rates of probation and parole workers who experience hazardous incidents range from 38 to 50 percent. The victimization rate is significantly higher for probation and parole workers with direct responsibility for supervising offenders in the field.

In an effort to avoid such officer victimization and the resulting cost of training and equipping officers who provide more proactive supervision, some agencies and administrators have decided that their officers will

not conduct surveillance, searches, and arrests; thus the threat to officers will be avoided. In reality, however, officers are not often killed or seriously injured performing these law enforcement functions. Community corrections officers are usually killed performing routine job functions (see “Even routine chores are risky”).

Most of these officers were performing general supervision functions—making a home contact or office contact to provide a service to the offender. As these tragic events show, the intent of the officer does not matter; what matters is the offender’s mindset, intent, or perception of the event.

Thankfully, most hazardous duty situations do not result in the death of an officer. Information compiled by Deputy Chief

### ***Even routine chores are risky***

Kansas probation officer Paul Weber was stabbed to death by an offender under his supervision while making a home contact with a partner. They were discussing other living arrangements because the offender’s mother wanted him to move. Barry Sutherland, a New York State parole officer, was shot and killed at point-blank range while he and two other officers were trying to take a parole violator into custody. Bjorn Svenson, a probation supervisor in Dade County, Florida, was shot and killed by an offender with a rifle as he came out the back door of his office building. Brian Rooney was shot as he sat in his car on the streets of New York City after arranging to meet an offender. It was a planned execution and the purported meeting was a trap. Thomas Gahl, a federal probation officer in Indianapolis, Indiana, was murdered by an offender after he went to the offender’s residence to see why he had not reported for a urinalysis. Donald “Charley” Knepple and a mental health worker were shot and killed in the mental health worker’s office by an offender who had asked for the meeting to discuss his supervision.

Ronald Schweer shows the breakdown of hazardous duty situations experienced by U.S. probation officers between 1984 and 1999, the last year that hazardous duty statistics were compiled by the Administrative Office of the U.S. Courts, Probation Division (see exhibit 7).

No central repository exists for the collection of hazardous duty incidents incurred by community corrections personnel similar to the one that exists for law enforcement. (The U.S. Department of Justice collects and compiles hazardous duty statistics on commissioned law enforcement personnel.) Because of the wide variance of classifications of community corrections personnel, many incidents go unreported, and therefore the dangers posed to these officers are not known by most people. Although several entities, such as the National Institute of Corrections, the American Probation and Parole Association, and the Correctional Management Institute at Sam Houston State University, have attempted to compile hazardous duty statistics, they have not been successful due to the reluctance or failure of agencies to provide the information. Unless legislation is passed establishing a repository and requiring agencies to report hazardous duty incidents, statistics will be lacking and most people will never be aware of the majority of incidents suffered by community corrections officers.

Statistics, when they exist, provide information on the hazardous duty experiences of officers. But the aftereffects of victimization are often less visible—and perhaps more significant. While 35 percent of the most serious incidents reported<sup>21</sup> involved physical assault, the following conditions also were reported:

- 56 percent of all worker-victims reported being “shaken up” emotionally because of the incident.
- 11 percent experienced physical symptoms (e.g., stomachache, headache) because of the incident.

- 18 percent experienced fear on the job as an aftereffect.
- 23 percent reported disruption of personal and family life.

Other psychological consequences included lack of self-confidence, reduced trust in offenders, and reduced sensitivity to offenders.

Worker-victims had the following opinions:<sup>22</sup>

- In 25 percent of the cases, victimization could have been avoided.
- In 22 percent of the cases, the agency could have done something to prevent it.
- In 55 percent of the cases, the agency could and should have been better prepared to cope with these events.

Agencies are attempting to identify high-risk offenders whose potential for violence is more obvious. As a result, agencies have taken steps such as making team assignments, purchasing body armor and communication equipment, and authorizing officers to carry weapons. Logistical considerations, expense, and officer disregard often prevent applying the same precautions to all offenders, particularly those with less documented histories of violence. In reality, an assault can come at any time, in any place, and from anyone.

## OFFICERS’ MENTAL PREPARATION

The officer’s mental preparation is the ultimate survival tool. In the book *The Tactical Edge*, Charles Remsberg states, “What truly prepared officers can depend on for winning violent clashes is this: mental skill—75%, shooting skill—5%, physical skill—5%, and luck—5%.”<sup>23</sup>

For various reasons, the demographics regarding the experience of community corrections personnel has changed significantly in recent years. An Arizona survey of both adult and

**U.S. Probation and Pretrial Services Hazardous Duty Statistics, 1984-99**  
**Part A. Hazardous Duty Incidents**

Type of Incident	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Animal attack <sup>a</sup>	6	5	7	12	9	4	8	9	16	14	19	34	11	17	26	31
Armed invasion (building)	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-
Assault and attempt	5	1	-	2	5	4	2	5	-	12	5	10	5	2	2	-
Auto accident	-	-	-	-	6	4	-	-	-	1	6	9	8	6	6	16
Auto assault	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Auto burglary	-	-	1	-	3	1	-	1	1	-	-	-	4	1	-	-
Auto/personal accident	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	13
Auto situation	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-
Auto vandalism	-	-	1	1	-	-	-	-	-	-	-	-	-	-	3	-
Bomb	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
Bomb threat	-	-	-	2	-	-	-	-	-	-	1	4	1	2	1	2
Chemical exposure	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-
Contagious disease exposure	-	-	-	-	-	-	-	-	-	-	2	7	1	8	9	9
Dangerous situation	-	4 <sup>b</sup>	1 <sup>c</sup>	-	-	-	11	26	52	17	22	26	18	13	29	12
Explosive device	-	-	-	1	1	1	-	-	-	-	1	-	-	-	-	-
Gunshot at office	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
Happening upon violent crime	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
Hazardous chemical (office)	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-
Hostage situation	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Hotel burglary	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-

**EXHIBIT 7**

**Part A. Hazardous Duty Incidents, continued**

Type of Incident	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Individual/crowd intimidation	-	-	10	7	17	5	-	9	27	26	21	30	14	14	17	16
Intervention in altercation	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-
Miscellaneous	-	-	-	-	16	33	21	11	-	-	-	-	-	-	-	-
Murder of officer	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Occupied vehicle hit by gunfire	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Offender physically restrained	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-
Office security violation	-	-	-	-	2	-	-	-	-	-	-	-	1	-	-	-
Office vandalism	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Personal injury	-	-	-	-	-	-	-	-	-	-	1	3	3	-	4	-
Phone/letter indirect threat	-	-	-	-	-	-	-	-	-	18	40	-	37	48	30	-
Phone/letter/verbal indirect threat	-	-	-	-	-	-	-	-	-	-	-	-	27	-	-	-
Purse snatching	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Range injury	-	-	-	-	-	-	-	-	-	2	1	1	-	2	3	-
Robbery	-	1	-	3	1	1	-	-	-	-	-	1	1	-	-	-
Robbery/assault	-	-	-	-	-	-	-	1	3	-	-	-	-	-	-	-

(Continued)

**Part A. Hazardous Duty Incidents, continued**

Type of Incident	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Situation with firearm or edged weapon <sup>d</sup>	4	-	9	9	12	7	10	9	9	14	21	9	14	8	15	18
Threat <sup>e</sup>	33	27	25	16	42	35	21	34	44	40	-	-	-	-	-	-
Unintentional firearm discharge	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Verbal threat	-	-	--	-	-	-	-	-	-	20	18	-	16	8	22	-
Other	5	1	-	-	-	-	-	-	-	-	-	2	4	1	8	16
<b>TOTALS</b>	<b>53</b>	<b>40</b>	<b>57</b>	<b>57</b>	<b>114</b>	<b>95</b>	<b>73</b>	<b>105</b>	<b>156</b>	<b>127</b>	<b>144<sup>f</sup></b>	<b>194</b>	<b>114</b>	<b>126</b>	<b>179<sup>g</sup></b>	<b>188</b>

<sup>a</sup>Cap-Stun was used once in 1993 and 1996, twice in 1994, and three times in 1995.

<sup>b</sup>"Dangerous situation" was referenced in 1985 as "Fugitive Apprehensions or Drug/Weapon Confiscations."

<sup>c</sup>"Dangerous situation" was listed as "Rock Throwing" in 1986.

<sup>d</sup>"Situation w/firearm or edged weapon" was referenced in 1984 as "Guns (pointed, confiscated, or present)"; in 1987 as "Weapons (in possession, but not used—5 knives, 4 guns)"; in 1988 as "Weapons (11 guns, 1 knife)"; and in 1989 as "Weapons (7 guns)."

<sup>e</sup>The types of "Threats" listed in 1986 were 15 verbal, 6 telephone, and 4 written; 1987 included 10 verbal, 5 telephone, and 1 written; 1988 included 22 verbal, 11 written, and 9 telephone; and 1989 included 24 verbal, 9 telephone, and 2 written threats.

<sup>f</sup>Because some incidents were reported more than 30 days after the end of the quarter, the 1994 total is more than the sum of the totals published for each of the four quarters.

<sup>g</sup>The annual total reported in the *News and Views* for 1998 was 178; however, the correct sum is 179.

**Part B. Hazardous Incident Locations**

Location	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Office/court	-	-	-	-	-	-	-	-	24	38	29	-	-	-	-	-
Field	-	-	8	13	-	-	-	-	36	73	72	62	45	43	98	94
Home of defender/offender	15	17	23	15	-	-	-	-	-	-	-	-	-	-	-	-
Court	-	-	-	-	-	-	-	-	-	-	-	14	6	4	13	12
Office	14	11	7	18	-	-	-	-	-	-	-	44	28	36	49	48
Courthouse/jail	9	2	5	8	-	-	-	-	-	-	-	-	-	-	-	-
Other	15	10	14	3	-	-	-	-	-	-	-	18	8	22	16	34
<b>TOTALS</b>	<b>53</b>	<b>40</b>	<b>57</b>	<b>57</b>	-	-	-	-	<b>60*</b>	<b>111</b>	<b>101</b>	<b>138</b>	<b>87</b>	<b>105</b>	<b>176</b>	<b>188</b>

Note: Location and perpetrator information was not available from the resource cited for the years 1988 to 1991.  
 \* Third- and fourth-quarter figures only (first and second quarters not available).

**Part C. Hazardous Incident Perpetrators**

Perpetrator	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Offender/defendant	30	21	27	25	-	-	-	-	38	63	55	78	46	45	77	74
Other	-	-	-	-	-	-	-	-	22	48	40	33	18	28	59	56
Unknown	18	14	11	18	-	-	-	-	-	-	6	-	-	-	-	-
Anonymous	-	-	-	-	-	-	-	-	-	-	-	21	17	18	23	35
Family member	5	3	6	2	-	-	-	-	-	-	-	6	6	14	10	14
Dog	-	-	7	12	-	-	-	-	-	-	-	-	-	-	-	-
Inmate or former probationer/parolee	-	-	6	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTALS</b>	<b>53</b>	<b>38</b>	<b>57</b>	<b>57</b>	-	-	-	-	<b>60*</b>	<b>111</b>	<b>101</b>	<b>138</b>	<b>87</b>	<b>105</b>	<b>169</b>	<b>179</b>

Note: Location and perpetrator information was not available from the resource cited for the years 1988 to 1991.  
 \* Third and fourth quarter figures only (first and second quarters not available).

Source: News and Views. Administrative Office of the U.S. Courts. Issues 3/25/85 to present.

juvenile probation officers conducted in August 2001 found that 56 percent of officers had served 5 or fewer years in the criminal/juvenile justice system; less than 11 percent had more than 15 years of experience.<sup>24</sup> Although years of experience does not necessarily correlate to safety, it points out that a significant portion of the community corrections workforce has not had the benefit of years of experience and underscores the importance of providing training *before* officers encounter violence on the job.

Community corrections officers who do not carry firearms and have little or no self-defense training must rely on their mental skills as their only survival tool. But safety tools are useless even when officers have them if the officers are not mentally prepared. It is known that attacks come with little or no warning, that offenders use various types of weapons, and that offenders are often in close proximity to officers. If an attack cannot be prevented, the officer must identify the threat and control the situation quickly and effectively.

Many agencies have made great strides at developing programs to increase the safety awareness of officers and staff. The Federal Judicial Center has produced a series of safety programs and videotapes dealing with worker safety. Materials relate to safety issues in the various environments within which officers and support staff function. The center's staff safety program includes training materials on—

- Identifying the stages of a crisis.
- Identifying the worker's style in handling a crisis.
- Comparing conflict management styles.
- Learning to deal with a crisis.

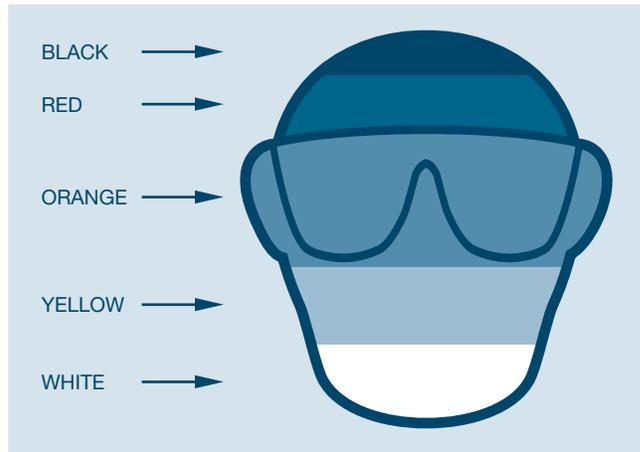
- Developing crisis management and control techniques.
- Applying emergency responses when all else fails.

Any safety program should begin with an understanding of an officer's mental awareness and the levels to be attained given varying assault cues. Author and trainer Jeff Cooper developed a color code of awareness regarding assault cues (see exhibit 8). This color code has been modified and adopted by most safety trainers and is the basis for any safety training program, from safe driving skills to the use of lethal force. The color code can be combined with the use-of-force continuum to help officers know when and how to respond based on an assailant's actions.

## VERBAL DIFFUSION SKILLS

Fortunately, many situations encountered by officers can be controlled by verbal intervention: using specific techniques of questioning and diffusion with potential assailants. In addition to identifying appropriate verbal and nonverbal responses to progressive levels of verbal aggression, an effective verbal diffusion program includes self-awareness, officer self-control, and environmental safety considerations. It also should give participants an opportunity to practice the skill in a controlled environment. Although various courses contain the elements listed previously, few provide specific verbal techniques to diffuse and reduce the intensity of the situation. In Arizona's safety survey of adult and juvenile probation officers, 62 percent of officers felt trained to recognize a dangerous situation; however, only 51 percent felt trained to deal with a dangerous situation. Any program selected should be evaluated to ensure it not only identifies the levels of aggression but also teaches effective verbal intervention techniques.

**Color Code of Awareness**



The better mentally conditioned officers are, the more likely their level of awareness will match the degree of readiness needed in a critical incident. Such officers can better detect the early warning signs of a risk or threat and move to higher levels of awareness if necessary. *The Tactical Edge* codes the levels of awareness with the use of colors.

Condition White

**A Mental State of Environmental Unawareness**

- The officer is oblivious to what goes on around him.
- His surroundings are familiar and safe.
- His state of mind is relaxed.
- He may be daydreaming, on vacation, tired, or preoccupied.

**The officer is not ready for a threat in this condition.**

Condition Yellow

**A Relaxed but Alert State**

- The officer is cautious but not tense.
- He is not expecting a threat, but he is aware of the possibility of one.
- He can sustain this state of alertness for long periods.

**This is the officer's minimum level of awareness for the office and field.**

Condition Orange

**A State of Alarm**

- Confrontation is seconds away.
- The officer recalls his plan for dealing with the situation.
- He identifies the threat and takes cover.
- He cannot sustain this state of alarm for long periods.

**It is now impossible to surprise the officer.**

Condition Red

**A State of Combat**

- The officer focuses on and controls the threat.
- His level of alertness allows him to make rational decisions.
- He cannot sustain this state of combat for long periods.

**The officer's mental conditioning helps him respond appropriately.**

Condition Black

**A State of Panic, Frenzy, and Paralysis**

**The officer cannot react appropriately and becomes a victim.**

Source: Jeff Cooper, Federal Probation and Pretrial Officers Association Safety Committee, 1999.

## Self-Defense and Physical Fitness

A 1997 U.S. Government Accounting Office (GAO) study of offenders sentenced in federal courts predicted that offenders being placed on supervision would be far more dangerous than previously supervised offenders. The same shift is occurring on the local level. Offenders who previously would have been sent to prison are being placed on supervision or being released earlier than they would have been a decade ago.

In response to increasing publicity of events involving victimization of community corrections workers, officers have become sensitive to their own vulnerability. Incidents such as the killing of a Dallas probation officer and the rape and beating of a state parole officer in Beaumont, Texas, provoke concern. A review of the statistics involving assaults to *federal* law enforcement officers in 2000 reveals that of 528 assaults, 32 percent involved personal weapons (i.e., any part of the body, such as the hand, fist, or foot, that can be employed as a weapon). In the same year, 82 percent of the 56,054 assaults on *local and state* law enforcement officers involved the use of personal weapons by the assailant.<sup>25</sup>

The Federal Probation Officers Association studied assaults between 1980 and 1992 and found far more physical assaults than deaths: 14 murders; 101 sexual assaults; 14 slashings or stabbings; 46 uses of blunt instruments or projectiles; and 691 incidents of officers being punched, kicked, or choked. These data represent attacks that were completed; an additional 733 attempts of a like nature also were reported.

Police statistics show that victimization happens not only in urban areas but in rural and suburban locations as well. An assailant can attack at any time, in any place, and on grounds that are totally irrational.<sup>26</sup>

When suspects are arrested, the criminal justice system provides them with all the legal manifestations of due process. This is often not the case with probationers and parolees. Typically, they are “tried” not by a jury of their peers, but by a reviewing authority such as the parole board. The board determines the case based on a preponderance of evidence rather than beyond a reasonable doubt. With a diminished chance of freedom comes an increased chance of resistance. Furthermore, community corrections officers have not historically worn the uniform and badge of authority that are so evident in law enforcement.

Traditionally, community corrections workers have been complacent in matters of personal safety. They have seen workers retire from the system who have never been involved in a physical attack or a situation involving the use of physical force. Because the primary focus in the past was on rehabilitation, it was unlikely that an offender would assault someone who seldom represented a threat to his or her freedom. However, with increased emphasis on enforcement and accountability, the role of the community corrections worker has changed. Too often neither workers nor managers have adjusted their thinking or behavior accordingly.

Many agencies expect community corrections workers to accept the risk of verbal and physical abuse as part of the job. To some extent they must. That expectation is not always made clear to the prospective worker, however. At the organizational level, historically, administrators have tended to downplay worker safety as a serious problem. They are concerned that attention to such a problem would involve the agency in issues of responsibility and liability. A U.S. probation supervisor once refused to allow defensive tactics training when he was advised that a participant could incur a minor injury—although all appropriate precautions would be taken.

Parsonage states, “The cumulative consequence has been to deny sufficient attention to the problems of violent and abusive incidents involving workers in the line of duty.”<sup>27</sup> Enough physical attacks have now been documented to prove that such hazards exist. Thus administrators have an obligation to provide defensive tactics training to their officers.

Agency administrators concerned with their officers’ safety sometimes arm their officers before they have even considered safety training, however. Under stress, in a crisis, officers instinctively respond the way they have been trained. If trained only in verbal skills and then given a firearm, an officer will likely first try to control a situation verbally and then jump to the use of lethal force. In failing to provide defensive tactics training, the agency is failing to provide the officer with skills to deal with statistically the largest assailant population: offenders who use physical assault that requires a response of less-than-lethal force.

Some administrators and officers believe that a physical response to an attack is a natural response by any officer. Again, officers respond the way they have trained. Informal surveys of safety workshop participants often show that fewer than half have ever

been in a physical fight. Many community corrections personnel do not commonly encounter physical aggression and therefore are not practiced at responding to it. Thus, they must be trained if they are to respond appropriately and effectively.

## SELF-DEFENSE TRAINING

Supervisors and administrators often do not participate in hands-on training programs, perhaps because they believe that they no longer need to maintain their physical skills and technical abilities. The result is that they tend to lose their understanding of this critical portion of the field officer’s job. It quickly becomes difficult, if not impossible, for the administrator or supervisor to objectively evaluate an officer’s use of force or identify and correct any adverse trends that current training may discover.

A study at the Colorado Law Enforcement Training Academy found that 79 percent of officers believed that overly aggressive behavior by officers indicates a lack of self-confidence. In addition, 86 percent considered overly aggressive behavior a result of lack of training. Better training, improved self-confidence, better hiring standards, and yearly certifications were cited by most respondents as solutions to the problem of escalation of force.<sup>28</sup>

The study also determined that practice of self-defense skills must occur when students are in a physical state of stress similar to that experienced on the street. If students do not achieve sufficient stress levels or their levels become too high, learning is inhibited. Techniques that have not been repeated sufficiently to become automatic or instinctive responses are blocked out by the anxiety that occurs in a real encounter. The increased anxiety and lack of proactive response can lead officers to a fight-or-flight response, causing them to react inappropriately to the threatening situation.<sup>29</sup>

Any self-defense training should be built on what officers have already learned through classroom and other forms of training: increasing awareness, mental preparation, assessment of danger, nonviolent aggression management, selection of force, defense considerations in the office setting, defense considerations for female officers, handling an emotionally disturbed person, edged weapons tactics, and defense against armed assailants.

But what type or discipline of defensive tactics should be selected? The first question to ask, as an individual or an agency, is basic: “What do you want the training to accomplish?” Officers can learn tactics to take individuals under control, such as handcuffing techniques involving various levels of resistance—or they can learn the basic survival skills if attacked.

Once the goals of the training are set and a program is outlined, realistic commitment must be made by agency heads. Many techniques are effective, but they require repeated practice to master. Most individuals and agencies will revisit defensive tactics only once or twice a year. Thus, any skills taught must be easy to master and retain, effective, and easily recalled under stress. They also must be applicable to most officers of both sexes and of varying ages, strengths, and sizes. Participants must be convinced that the techniques are effective for both the larger males in the class and the slighter officers—and under real-life conditions. If students do not believe in the tactics, they will not use them when the time comes.

During a safety audit of a state probation agency, focus groups of officers evaluated the effectiveness of a training program on defensive tactics skills delivered to all their officers. The focus groups revealed that the techniques taught were too complicated and no followup training was provided on the skills taught. The result was that the officers could not recall the tactics 6 months after the program.

What types of situations should officers train for? That depends on the tasks they are asked to perform. If officers make arrests, are issued impact weapons and OC, and carry firearms, defensive tactics should include physically controlling a noncompliant offender taken into custody and the proper use of and defense against impact weapons, OC, and firearms. If officers carry a piece of safety equipment, they must know how to retain it and, if taken away, how to defend against it.

But even if officers have no safety equipment and agency policy does not allow making arrests, they still need—and the agency must train them for—the ability to deal with dangerous situations, such as sexual assault, empty-hand attacks, and attacks with all types of weapons, including knives, handguns, and shotguns.

Both agencies and individuals must be educated consumers. Evaluate any potential training as to whether it is realistic and taught in a dynamic manner, and whether it includes techniques that will cover the entire continuum of force up to and including lethal force. Officers have the right to use lethal force against any attack that may cause them serious physical injury or death. If they do not carry a weapon to deliver that level of control, they need to have the mental and physical skills to obtain a weapon of opportunity or use their personal weapons (hands, feet, etc.) to stop the threat quickly and effectively.

Generally, an effective self-defense program applicable to the largest range of officers should deal with techniques that are easily taught and easily retained under stress. Most techniques should build on natural human responses to physical attack, such as blocking, striking, and kicking. Something as simple as movement is not a natural response of many individuals being attacked. Under the stress of an attack, especially a surprise attack, many individuals freeze up, failing to move or stop the attack.

Officers with slighter builds can learn to take advantage of the movement of the assailant and not attempt to “muscle” the assailant into compliance. Although these skills have long been a part of the martial arts, only recently have they become a part of general self-defense programs.

## PHYSICAL FITNESS TRAINING

Although community corrections personnel work in stressful environments, little is done to mandate physical fitness standards. Most offenders are younger, more physically active, and in better physical condition than the average community corrections officer. Often parolees have spent prison time lifting weights and otherwise getting into good physical shape.

Some probationers and parolees have also learned defensive and offensive tactics they believe will serve them on the streets, such as street fighting and disarming techniques. During routine surveillance, prison authorities at various institutions have videotaped inmates practicing techniques for escape and control while being searched.

No universal physical fitness standards exist for community corrections agencies, and generally physical fitness is not emphasized, other than what is necessary to participate in various aspects of training. Little research is available on physical fitness for corrections workers; generally, most research pertains to law enforcement. It is disconcerting that a significant number of line-of-duty deaths for correctional institution workers were due to heart attacks suffered while participating in defensive tactics training.

Bracy’s study of police officer physical fitness found that, “due largely to poor diet and lack of exercise, a significant sample of American police officers possessed a body composition, blood chemistry, and general level of physical fitness greatly inferior to that of a similar-sized sample of convicts.”<sup>30</sup>

Because the emphasis on fitness is even lower for community corrections workers, it can be interpolated that the problem is likely much greater.

The ability of an average officer in average shape to exert maximum effort will last no more than 20 to 45 seconds. A research program in Missouri measured the heart rates of police officers not trained in efficient combat skills during simulated street fights. When told they were going to fight, the officers’ average heart rate rose from 75 beats per minute to 85. Placed on mats and given the fight rules, the average rate surged to 120. After actually struggling with partners for just 30 seconds, their rates ranged from 185 to 235 beats per minute. The average human heart starts coming apart when overloaded at 220 beats or more per minute over a period of time. In short, if an officer cannot end an encounter quickly, he or she risks not only severe assault but a heart attack as well.<sup>31</sup>

Healey<sup>32</sup> presents a convincing argument that management has a fitness responsibility to its law enforcement officers and suggests that physical fitness is a tool. He believes it is unfair to place the burden of quality effectiveness on the individual. An overall physical fitness program is the joint responsibility of both the worker and the agency. Some community corrections agencies have recognized the importance of physical fitness and have adopted policies that provide on-duty time for officers to participate in physical fitness training. An allotment of 3 hours per week is common in these departments.

Fewer agencies have mandated physical fitness requirements. It is most common to see mandatory fitness training or standards in departments that carry firearms and/or make arrests. The South Carolina Department of Probation, Parole and Pardon Services has adopted minimal physical fitness standards for all personnel with the power of arrest.<sup>33</sup> Their policy states, “All personnel holding the power of arrest will be required to participate

annually in a physical fitness evaluation.” Personnel have the option of choosing between two fitness programs. Program A consists of a 1.5-mile run, pushups, and crunches (see exhibit 9). Program B consists of a 3-mile walk. A passing score for program A equals a total of at least 8 points from the 3 activities. Scoring is tabulated as follows: 5 points for excellent, 3 points for

good, and 2 points for fair (see exhibit 9). The officer must attempt all three activities in program A or the full walk in program B regardless of the point total. A passing score for program B is earned by completing the 3-mile walk in 60 minutes or less. Officers who fail to achieve a passing score are rescheduled for another attempt between 90 days and 180 days after the last attempt.

### Program A Performance Levels, by Age

EXHIBIT 9

Activity	Men			Women		
	Fair	Good	Excellent	Fair	Good	Excellent
<b>1.5 mile runtime ranges</b>						
Ages						
20–29	12:51	11:41	10:16	15:26	14:24	12:51
30–39	13:36	12:20	10:47	15:57	15:08	13:43
40–49	14:29	13:14	11:44	16:58	15:57	14:31
50–59	15:26	14:24	12:51	17:55	16:58	15:57
60 +	16:43	15:29	13:53	18:44	17:46	16:20
<b>Pushups maximum</b>						
20–29	29	37	47	23	30	36
30–39	24	30	39	19	24	31
40–49	18	24	30	13	18	24
50–59	13	19	25	12	17	21
60 +	10	18	23	5	12	15
<b>Crunch test</b>						
20–29	35–46	47–57	58–71	30–41	42–52	53–66
30–39	28–40	41–52	53–64	25–36	37–47	48–59
40–49	26–36	37–46	47–57	22–31	32–40	41–50
50–59	22–31	32–40	41–51	17–26	27–34	35–43

Source: South Carolina Department of Probation, Parole and Pardon Services.

## Oleoresin Capsicum

Oleoresin capsicum (OC) is an inflammatory agent that occurs naturally in cayenne peppers. When used as a deterrent spray on humans, it inflames mucous membranes, causing coughing, gagging, and shortness of breath and making the eyes close. It also creates a sensation of intense burning on the skin and mucous membranes inside the nose and mouth. Many agencies have authorized, or are authorizing, the use of OC spray (also called pepper spray) by their officers. In 1999, OC spray was the second most common form of safety equipment authorized by community corrections agencies, according to the National Association of Probation Executives (NAPE) survey.<sup>34</sup>

### PHYSICAL EFFECTS

FBI tests have found that individuals exposed to pepper spray exhibit physical effects ranging from severe twitching to involuntary closing of the eyes.<sup>35</sup> Respiratory inflammation caused coughing and shortness of breath, as well as gasping with a gagging sensation. Other symptoms included redness and inflammation of exposed skin that ranged from a slight to acute burning sensation. Some individuals experienced minor cases of nausea and catatonia. No one experienced long-term effects from OC. Respiratory functions usually returned to normal within 2 minutes after each test. Visual acuity returned within 2–5 minutes after decontamination. Most individuals' eyes appeared bloodshot for 10–15 minutes after contact with OC.

The FBI also found that, unlike the tear gas irritants ortho-chlorobenzylidene malonitrile (CS) and chloroacetophenone (CN) (often sold as Mace), OC particles dissipate from clothing in a short time and the offender can be transported without affecting the officer. Most authorities recommend transporting offenders after the spray has dried.

### DECONTAMINATION PROCEDURES

An enclosed area is decontaminated by opening doors and windows for ventilation. Generally, all effects completely disappear within 30 minutes for the 1-percent concentration and 45 minutes for the 5-percent concentration.

The subject's face and eyes should be flushed with cool water and a non-oil-based soap or detergent used to remove the resin from the skin. The skin should be patted dry with a cloth towel, not rubbed. A wet towel or ice packs can be applied to affected areas to reduce inflammation. Commercial eye wash should not be used during the decontamination process.<sup>36</sup> If effects persist, medical attention should be sought.

### CURRENT USE OF OC BY AGENCIES

Many law enforcement and corrections agencies use OC sprays with a high degree of success. The FBI study showed that of the 42 departments surveyed, only one cited an

example in which OC proved ineffective on a subject. A report by the British Columbia Police Commission stated, “In over 93% of the cases, the spray was totally effective for use to incapacitate a subject. Officers submitting the reports often included glowing comments regarding the spray.”

The report also stated that in 104 applications of OC spray, “there were no injuries to suspects or officers arising from the use of the spray.” Contamination was listed as slight or of no significance in the vast majority of cases, and the spray appeared to work effectively on dogs (two applications were on dogs).<sup>37</sup>

## **PURCHASE CONSIDERATIONS**

An agency that authorizes the carrying and use of OC sprays should consider the following issues when purchasing them and developing training programs for their use:

- The identification of psychological and physiological effects of OC spray.
- The location of OC spray on a use-of-force continuum.
- The proper stance, body position, and techniques in the use of OC spray.
- Verbal directions or commands to non-compliant subjects before and after using OC spray.
- The recommended number and length of bursts to be used on noncompliant subjects.
- Techniques for decontamination of individuals in areas exposed to OC spray.
- First aid procedures to administer to individuals exposed to OC spray.
- Reporting procedures to follow after using OC spray.

Training on the use of OC sprays should be consistently updated, reviewed, and practiced

by staff, similar to training on any defensive tactic or device.

Specific purchase considerations include—

- The size of the canister.
- The percentage of concentration.
- Propellant spray distance and spray pattern.
- The trigger mechanism.

### ***Size of Canister***

Many field corrections personnel use a pocket- or purse-size model. The next larger model can be clipped on a belt or carried in a larger pocket, such as a coat pocket. The size of the canister correlates to the effective spray distance. Pocket-size models range in effective distance from 2 to 6 feet. Belt or coat-pocket styles range in effective distance from 4 to 15 feet. If a weapon also is carried, some agencies recommend that the spray be carried to facilitate use by the weak hand, leaving the strong hand available for the firearm.

### ***Percentage of Concentration***

Most agencies select the 5- or 5.5-percent solution (depending on the brand), although more concentrated solutions are available. As part of its study of OC, the FBI tested the 10-percent solution for effectiveness; preliminary results suggest that it is not necessarily more effective. To get a more accurate evaluation of the strength, examine the number of Scoville heat units (SHU). (Named after the pharmacologist Wilbur Scoville, SHU is a measure of pungency or heat intensity.) The higher the SHU level, the more potent the spray.

### ***Propellant Spray Distance and Spray Pattern***

Alcohol is a common propellant used in OC sprays. Some companies combine alcohol

with water. Many agencies prefer the cone-type spray over the direct-stream spray because it requires a less accurate aim and it is less likely to injure the eyes. The width and distance of the spray correlate to the size of the canister, the resulting nozzle flow rate, and spraying pressure (the impact per square inch).

### ***Trigger Mechanism***

Issues of accidental discharge and access by offenders need to be examined when considering the type of trigger. Most of the popular spray brands have a safety mechanism on the canister or holder. The pocket-size sprays have a guard on the holder or a “turn and press” device.

### ***Training Considerations***

When OC training began, most law enforcement and corrections agencies provided information about the effects of OC and then exposed officers to the spray, using techniques ranging from direct spray to passive exposure. Trainers reported that officers would invariably and quickly succumb to the spray. Trainers then experimented with exposing trainees to the spray first, before informing them of the expected response to the spray. With this new strategy, participants were less likely to be immediately affected by the OC spray and could fight

through the effects for a period of time. The trainers believed that the anticipation of experiencing the effects of the spray incapacitated them more quickly. Many agencies now require during OC training that officers receive a direct spray and then complete such tasks as handcuffing a compliant subject to help them realize they can still function after being sprayed.

Because most agencies allow the use of lethal force against an assailant armed with OC spray, the officers must be able to testify that they are adversely affected by OC spray. Some officers have objected to this mandatory exposure and have taken the issue to the courts. The courts have ruled that it is permissible for agencies to require direct exposure to OC as a part of the training.

Many community corrections agencies that issue OC spray have chosen to expose their officers to the spray as part of their certification training. Others expose less directly by walking participants through a mist of spray, applying OC under the eyes with a cotton swab, or spraying the officer in the upper chest area. Whatever the technique, officers should experience the debilitating effects of OC so they can testify that they are affected, in case they must resort to lethal force to protect themselves against an assailant using OC.

## Body Protection

As field work becomes more proactive and precarious, officers need to explore all options to ensure their safety and survival. An incident can occur at any time and at any location. Officers in the field are particularly vulnerable to a surprise incident jeopardizing their safety. A variety of protective precautions, including soft body armor, gloves, and identification jackets, are generating increasing interest among community corrections agencies.

### SOFT BODY ARMOR

Given all the levels and types of soft body armor available, how do agencies or individuals select what is appropriate for them? The key element to keep in mind is that *body armor is of no use if it is not worn*. Between 1975 and 1999, more than 1,800 law enforcement officers were killed by handguns; however, more than 2,400 officers' lives were saved by body armor. An FBI study shows that the chance of being killed by handguns was 14 times greater for officers who did not wear body armor.<sup>38</sup> In the NAPE survey, 58 percent of the agencies responding reported using body armor, although they did not indicate the extent to which body armor is available to staff.<sup>39</sup>

#### Threat Level

The National Institute of Justice (NIJ) Standard-0101.04, *Ballistic Resistance of Personal Body Armor*, published in September 2000, establishes six formal

armor classification types and a seventh special type.<sup>40</sup> Most agencies will choose type II-A and/or type II. The following describes the four most common levels considered.

**Type I.** Protects against .22 caliber long rifle, high-velocity lead bullets, .38 special round-nose lead bullets, and most other handgun rounds in .25 and .32 caliber. Most bullets used to kill law enforcement officers in 1991 had a higher velocity of .38 or .357.<sup>41</sup> Thus, type I is probably not enough protection.

**Type II-A.** Protects against lower velocity bullets, such as .357 magnum, 9mm, .40 S&W, .45 auto, and 38+P. As protection increases, so does the weight of the garment, which uses progressively more material. Type II-A is recommended as the lowest level of protection an individual or agency should consider purchasing.

**Type II.** Protects against higher velocity .357 magnum and 9mm bullets and lower velocity .41 and .44 magnum rounds. The armor is heavier and more bulky than type II-A armor and may not be suitable for full-time use in hot and humid climates. Many law enforcement agencies in more temperate areas use type II armor.

**Type III-A.** Protects against higher velocity .44 magnum bullets and 9mm full-metal-jacket rounds. Although not suitable for routine wear, it may be appropriate for special operations.<sup>42</sup>

More than 90 companies manufacture body armor worldwide.<sup>43</sup> Most major companies

that produce body armor provide ballistic data and threat level information in their brochures. Although manufacturer compliance with the NIJ standard is voluntary, most law enforcement agencies require that the body armor they purchase meet the NIJ standard. Most body armor manufacturers, therefore, submit their products for testing. On average since 1997, 44 percent have failed NIJ testing.<sup>44</sup> Body armor that does comply with the standard is labeled, and the threat level classification is identified.

The main task is to balance protection with fit and comfort, which includes considering the climate of the area, situations officers are likely to encounter, and the level of protection needed to protect against the ammunition they carry. Again, *body armor does no good if not worn.*

Although designed primarily for handgun assaults, soft body armor also has prevented serious injuries from traffic accidents and physical assaults with clubs. It usually does not protect against knives and other cutting instruments, although it can lessen the trauma of edged-weapon attacks. Vests specifically designed for edged-weapon attacks are usually worn by institutional staff.

### **Material**

Suppliers currently offer soft body armor constructed of materials such as Kevlar, Spectra Shield, a combination of Kevlar and Spectra Shield, Ultra Shield (which the manufacturer says should not be confused with Spectra Shield), and AKSO NOBEL Twaron. NIJ indicates that various design ideas and combinations of materials are available and advises, “If armor has been demonstrated to provide the desired level of protection, the user should not be concerned with the design, but should look for proper fit and comfort.”<sup>45</sup>

### **Other Selection Considerations**

The administrator of a probation office failed to obtain adequate information before purchasing body armor. As a result, only one type III–A vest was ordered for every four officers. Half of the vests did not fit an average-size male, and none was suitable for females. Vests were usually left in the office or in the car trunk. In another agency, an administrator, when asked about the need for soft body armor in a safety survey, revealed, “Officers don’t need body armor. They should never put themselves in a situation where they would need it.”

NIJ recommends that a committee of two or three officers become familiar with armor technology and independently assess the needs of the department (see “Resources for selecting body armor”). They should consider the following factors when selecting the appropriate body armor:

- The threat-level selection.
- The type of armor.
- Comfort and fit.
- Body coverage.
- The method of purchase and contract specifications.
- Quality control.
- Maintenance.

### **Policy Considerations**

After selecting the appropriate soft body armor, an agency should decide whether requirements for their use should be established. Many law enforcement agencies require officers to wear body armor while on duty; some community corrections agencies are considering this policy. However, like

## Resources for selecting body armor

The Bulletproof Vest Partnership Grant Act, established June 16, 1998, pays up to 50 percent of the cost of NIJ-approved body armor.<sup>a</sup> Many community corrections agencies have teamed with local law enforcement to take advantage of this program.

The NIJ Technology Assessment Program offers several publications to help agencies make an informed decision:

- *Selection and Application Guide to Personal Body Armor* (2001).
- *Model Body Armor Procurement Package* (1990).
- *Police Body Armor Consumer Product List Update, Fall 1997* (1997).<sup>b</sup>

The JUSTNET Web site, operated by the National Law Enforcement and Corrections Technology Center (NLECTC) (<http://www.nlectc.org/testing/bodyarmor.html>), offers other resources on its Ballistic-Resistant Armor page, such as:

- *25 Questions and Answers About Personal Body Armor*.
- NLECTC's Body Armor Testing Program database.
- NIJ Standard-0101.04, *Ballistic Resistance of Personal Body Armor, Revision A* (2001).
- *Testing Program Transition: NIJ Standard-0101.03 to 0101.04*.
- *Old Armor Tests as Good as New*.
- *Body Armor User Guide*.<sup>c</sup>

To obtain these publications, contact:

National Law Enforcement and Corrections  
Technology Center (NLECTC)  
P.O. Box 6000  
Rockville, MD 20850  
301-519-5060  
Toll-free: 800-248-2742

a. *Bulletproof Vest Partnership Grant Act of 1998, Pub. L. No. 105-181, 112 Stat. 512 (1998), as amended by Bulletproof Vest Partnership Grant Act of 2000, Pub. L. No. 106-517, 114 Stat. 2707 (2000) (codified at 42 U.S.C. 3796ll-3796ll-2 (2001)). For more information about the Bulletproof Vest Partnership Program, see the World Wide Web at <https://vests.ojp.gov>.*

b. *National Institute of Justice, National Law Enforcement and Corrections Technology Center. 2001. Selection and Application Guide to Personal Body Armor, NIJ Guide 100-01. Rockville, MD: U.S. Department of Justice, NCJ 189633; National Institute of Justice, National Law Enforcement and Corrections Technology Center. October 1997. Police Body Armor Consumer Product List Update, Fall 1997. Rockville, MD: U.S. Department of Justice; National Institute of Justice, Technology Assessment Program. January 1990. Model Body Armor Procurement Package. Washington, DC: U.S. Department of Justice.*

c. *National Institute of Justice, National Law Enforcement and Corrections Technology Center. 25 Questions and Answers About Personal Body Armor. Available on the World Wide Web at <http://www.nlectc.org/testing/armorfaqs.html>; National Institute of Justice, National Law Enforcement and Corrections Technology Center. Body Armor Testing Program Database. Available on the World Wide Web at <http://www.nlectc.org/BatPro4/batSearch.asp>; National Institute of Justice, Law Enforcement and Corrections Standards Testing Program, Ballistic Resistance of Personal Body Armor: NIJ Standard-0101.04 (Revision A) (see note 40); National Institute of Justice, National Law Enforcement and Corrections Technology Center. May 2001. Testing Program Transition—NIJ Standard 0101.03 to 0101.04. Available on the World Wide Web at [http://www.nlectc.org/testing/ba\\_revision.html](http://www.nlectc.org/testing/ba_revision.html); National Institute of Justice, Office of Science and Technology. 1986. "Old Armor Tests as Good as New." Technology Assessment Program (TAP) Alert 1 (4) (August), NCJ 111390; National Institute of Justice, Technology Assessment Program. Undated. Body Armor User Guide. Rockville, MD: U.S. Department of Justice. Available on the World Wide Web at <http://www.nlectc.org/pdffiles/bodyarmr.pdf>.*

any safety device, soft body armor does not make the officer invincible. One-fifth of law enforcement SWAT officers shot and killed were shot through the armpit. More than half (29) of the 47 law enforcement officers slain with a firearm in 2000 were wearing body armor. Twenty-five officers were within 5 feet of their assailant.<sup>46</sup> Officers must consider

the type of protection they want and balance it with weight and comfort considerations.

Deaths of and serious assaults to community corrections staff usually have occurred in routine work situations. For body armor to be of value, it should be worn during all types of field work. A training program should be established that addresses the

limits of protection, care and use of the products, required inspections, and medical procedures after shootings and injuries.

## KEVLAR GLOVES

Death and serious injury come not only from the barrel of a gun; they can also result from the prick of a needle or the bite of an offender. In 1992, a federal probation officer in Tacoma, Washington, underwent a series of nine shots and blood draws after being stuck by the needle of a syringe taken from an offender during a search. The two main concerns were HIV and hepatitis B.

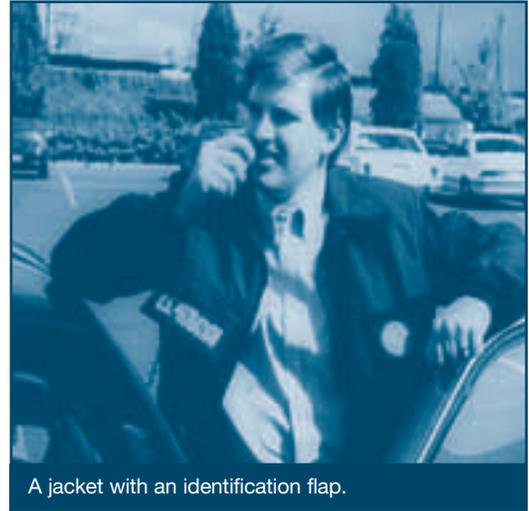
Kevlar is now used in the manufacture of protective gloves that are designed to stop the puncture or penetration by foreign objects. Originally developed for surgeons, Kevlar gloves are effective for searches and pat-downs. The gloves are extremely flexible, which allows for dexterity and sensitive touch, and also are fire resistant. Latex gloves can be worn underneath for added protection from fluids.

Reports show that Kevlar gloves provide 30 times more protection against cuts and 35 times more protection against needle punctures than wearing no hand protection.<sup>47</sup> Although the gloves will not stop a bite, they will reduce the risk of penetration.<sup>48</sup>

## IDENTIFICATION JACKETS AND CLOTHING

An issue discussed in law enforcement but largely ignored by corrections is identifying officers in the field. Law enforcement officers have been mistakenly shot by other officers because they could not be identified. Everyone at the scene should be able to tell

the “good guys” from the “bad guys” when law enforcement assistance is needed, when high-risk tasks such as searches are being conducted, and when assignments involve other agencies. Backup officers should know “who’s who” when problems arise in situations such as home contacts.



A jacket with an identification flap.

The use of jackets with agency identification flaps deals effectively with this problem. Although they appear to be standard casual jackets, officers can quickly pull down flaps to reveal identification. Some jackets also accommodate soft body armor.

Jackets with the agency name stenciled on the front and back were initially used during raids. When the need for identification can be anticipated, that style works well. But agencies often cannot anticipate when they will need backup officers wearing identification. Many officers do not want to do routine field work with “Probation/Parole” stenciled across their backs. Some corrections agencies, with local police permission, use the standard term “Police” instead of



Special units may be uniformed.

Photo by Robert L. Thornton.

“Corrections” or “Probation/Parole” to avoid confusion to bystanders.

With the advent of special units, many agencies are instituting a standard form of identification, ranging from polo-style shirts to jumpsuits. The Bexar County (Texas) Probation Department has issued fatigues and jackets with embroidered identification for its gang and Spotlight units. A juvenile Spotlight officer noted in an interview that the number of physical altercations with juveniles decreased after he began wearing the uniform with identification.

## Safety in the Office

An officer who anticipates difficulty with offenders often arranges for them to come into the office on the assumption that the office is safer than the field. Although being on “home ground” may provide some comfort, failure to attend to personal safety in the office can result in serious incidents (see “No refuge from danger”).

But officers are not the only ones at risk from offenders. Support staff are usually the first employees offenders contact when they report to the office (see “Support staff are at risk too”).

### ***No refuge from danger***

In October 1990, an emotionally distraught person with a history of mental disorders threatened a U.S. probation officer with a loaded weapon in the Western District of Kentucky’s Owensboro office. The officer was able to press a panic button, which alerted the court security officer. The security officer, responding to the duress alarm, saw the probation officer being held at gunpoint by the offender. In the resulting struggle, the probation officer and the court security officer subdued the offender and took possession of the weapon. A shot was fired during the struggle, but no one was injured.

Although the probation officer was authorized to carry a weapon, he had left it home that day because he planned to be in the office, where, like most officers, he thought he was safe.

Creating a secure environment for all staff is of paramount importance.

### **SAFETY SURVEYS**

The NAPE survey found that office safety training ranked first among safety training issues.<sup>49</sup> In Texas, a safety subcommittee surveyed parole officers on their experiences with intimidation, threats, and assaults and solicited their opinions on various safety issues. More than one-third (38 percent) said they had been intimidated by offenders in the office.

The New York State Division of Probation and Correctional Alternatives,<sup>50</sup> with the Council of Probation Administrators, representatives of the local department, various probation officer associations, the Division of State Police, and the Civil Service Employees Association, surveyed probation staff and staff working with alternatives-to-incarceration programs to discover how dangerous they perceived their work to be. More than half (51 percent) were fearful while in the office due to the following factors:

- The lack of emergency communications and exits.
- Offenders wandering through the halls.
- Tension in office meetings with probationers.
- The lack of armed guards or defensive weapons.

### ***Support staff are at risk too***

The first federal probation employee to be killed by an offender was not an officer; she was a secretary in a federal probation office in West Virginia. In December 1966, a 48-year-old female offender came into the probation office, shot the secretary five times, and then took her own life. It appears that she intended to kill her probation officer, but when she learned he was not in, she took the life of the secretary.

In the 2001 Arizona Safety Survey,<sup>51</sup> the lowest scoring safety item was “adequate weapons checks when entering the building.” Overall, office safety was rated at 2.25 on a scale of 1 to 4, with 4 being the highest level.

The aftereffects of victimization from office assaults are less apparent but perhaps more significant than the events themselves. They include emotional distress, physical symptoms, fear on the job, lack of self-confidence, reduced trust in offenders, reduced sensitivity to offenders, and disruption of personal life.

Workers felt their agencies could have avoided many victimization events had preventive measures been taken. Such measures include designing offices to address safety considerations, carefully controlling the movements of offenders and visitors, and training support staff—often the first line of contact with hostile offenders—to defuse aggressive behavior. In addition, personal offices can be designed with safety in mind, with potential weapons secured and escape routes and plans for dealing with emergency situations devised. An accountability plan should be in effect for staff working alone in the evenings and on weekends.

Clearly, safety should begin in the office, where most workers spend a significant portion of their time.

## **OFFICE SAFETY PROCEDURES**

Community corrections agencies are increasingly implementing safety procedures recommended by various safety task force committees to improve officer safety and security in the office. Many agencies have felt little control over safety equipment and office configuration because they are in leased space. In reality, configuration and safety equipment can be negotiated in lease agreements with minimal expense. Agencies must take a position that safety is a nonnegotiable item and be willing to go elsewhere if a prospective landlord is unwilling to accommodate safety requirements.

A well-planned and -maintained office should be a safe and pleasant place to conduct business. Besides being a credit to the community, it should be a dynamic example of the ability to improve safety design from work experience. Many agencies, like the Florida Department of Corrections, have developed office appearance standards that consider design, size, location, and the use of space.

After the shooting of a parole supervisor in Norristown, the Pennsylvania Parole Department convened a task force to establish guidelines for safer offices. The Allentown and Reading offices are examples of how safety can be addressed while maintaining a reasonable square-foot price.

The planning of security systems can be divided into two areas: perimeter and interior security. Perimeter security includes considerations of site location, parking, personnel security, lighting, access control at building entrances, and intrusion detection/alarm systems. Interior security includes personnel security, security of property and documents, access control to interior spaces, personnel movement and circulation controls, security aspects of spatial arrangement, biohazard control, and coordination of security and fire safety requirements.

## OFFICE ENTRY AND EXIT

The situations illustrated in “Leaving the office: A vulnerable moment,” though different in location and motivation of the attacker, point to the importance of securing or monitoring parking areas for staff.

- Before entering or exiting the office, workers should visually check the outside of the building to be sure that nothing is abnormal. Doors providing access to staff work areas should be locked and access controlled. All entry and exit doors should be constructed of solid core materials and always be locked unless under visual control.
- Reserved parking spaces should not be identified with individuals’ names. Parking areas should be close to the office and well lit.
- All offices should have a policy for issuing and returning keys. Keys should be distributed only to those who need them. Additionally, a procedure for handling lost or misplaced keys or key cards should be developed and arrangements for duplication specified.

### ***Offenders/Defendants and Visitors***

There should be only *one* designated entrance and exit for offenders and defendants.

Waiting areas should be located away from secretarial work areas, if possible. Valuables such as purses and money should not be left in public view. All offenders and defendants should be escorted to and from the reception area by the supervising officer. The offender or defendant should always precede the officer and should never be unattended. Appropriate lighting should be used in entrance and waiting areas.

### ***Leaving the office: A vulnerable moment***

In February 1998, a probation officer for a small county in the Midwest worked late and was the last person left in the building. At 10:30 p.m. she gathered her things and, with arms full, exited the building, locking the door behind her. As she concentrated on locking the door, she was hit on the side of her head with a bat. She fell to the ground still conscious but incapacitated by the strike.

Two males took her keys, unlocked her car, put her in it, and left the area. Still dazed by the injury to her head, she could do nothing to resist her attackers. Handcuffs were placed on her, and the attackers drove to an area on the edge of town. After she was violently assaulted for more than 5 hours, she was thrown out of the car naked into the snow to die.

The morning after the attack, she was found by a young boy and his father, who was a paramedic. When he saw that she was still alive, he rushed her to the local hospital. The officer underwent an extended period of mental and physical therapy and incurred speech problems and the loss of the use of one arm as a result of the blows to her head.

In a southern California city, another probation officer left her office and proceeded to the parking lot, where she was struck in the head and body and suffered extensive injuries.

In Tucson, Arizona, three probation officers exited the back door of their office, escorting an offender they had just arrested. They were accosted at gunpoint by a friend of the offender in the parking area. The offender attempted to break away from one of the officers, but was taken to the ground while the other officers drew their weapons and took cover. Confused, the assailant ran to his vehicle and left the area.

## **Support Staff**

Agencies must recognize that support staff are the first line of defense in dealing with office safety. To that end, careful consideration should be given when staffing the front desk, especially if security screening duties are involved. Scenario training that takes support staff through dangerous situations should be provided. Like officers, only through realistic training will support staff be able to handle the many safety issues that can confront a community corrections agency.

Support and clerical staff should have separate, secure work areas to reduce the possibility of being harmed by hostile, aggressive individuals. Signs limiting access to clerical work areas should be clearly displayed. The receptionist should be separated from the waiting area by a secured door, bullet-resistant glass, and a wall that contains bullet-resistant materials. The entrance to the inner office should have a sign advising that no weapons or contraband are permitted and that persons and belongings are subject to search.

Abusive or obscene telephone calls should not be tolerated. The caller should be advised that verbal abuse is not acceptable and must cease immediately, or the call will end. Ongoing harassment calls should be investigated.

Clerical and support staff should not be expected to deal with abusive or unruly visitors. They should be well versed in office emergency procedures and should have access to an alarm button. Officers should advise clerical staff of anyone they believe to be a potential problem. In addition, clerical staff should be trained to recognize and report potentially aggressive behavior or other problems.

In the event that they cannot avoid a crisis with an offender, support staff should be trained in techniques for defusing aggressive behavior. These skills may prevent personal

victimization and may also reduce the possibility of injury to others.

Access to packages, purses, and bags beyond the security door should be limited.

## **Personal Offices**

Officers should be aware of everything in their personal work area. They should be selective in choosing items to keep in the office, particularly those items normally located on a desk. Family photographs should not be displayed for viewing by the offender. Keys and other personal items should never be accessible to the public. Files, desks, and supplies should be secured when not in use.

Office doors should be kept open whenever an offender is in the office. If the door must be closed, the officer and offender should be visible to others through windows or glass in the office door.

## **Physical Arrangement of Office**

Increasingly, agencies are creating a “sterile” office, with no objects on desks or pictures displayed that could be used by potentially hostile offenders. The Adult Parole Department in Pennsylvania explored a variety of practical approaches that could fit the resources, circumstances, and environment of agency offices, both state-owned and in leased space.

Furniture should be arranged to allow access to the door for easy exit if needed. Desks should be arranged so they are not a barrier to escape in the event of a hostile situation. The officer’s chair should be closest to the door. File cabinets, desks, and chairs should not impede an escape route from the officer’s chair to the door. Consider placing an obstacle between the visitor’s chair and the door.

Officers should be aware of potential weapons available to visitors in the office,

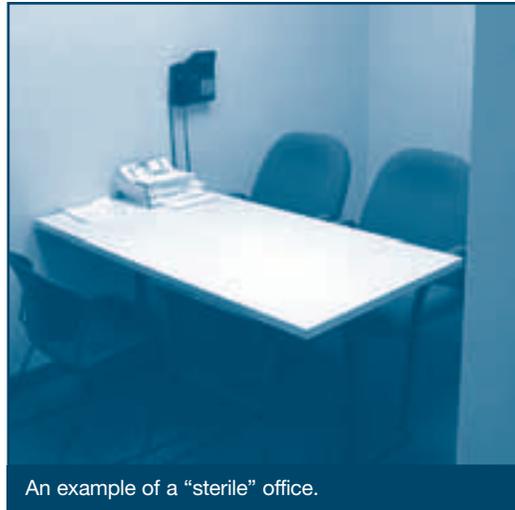
including letter openers, pens, picture frames, and note spindles. A plan should be in place for handling an aggressive or violent probationer/parolee, and all staff should be familiar with it. Officers should have an alarm system or “panic button” to summon assistance.

Emergency telephone numbers should be readily available. Officers should not rely on their memories in emergency situations. All staff should know emergency code words and procedures.

### ***Working Alone in the Office***

Officers should advise building security personnel of their presence on weekends or during extended work hours. Officers who plan to work late in the office (or arrive alone on weekends) should move their cars to a parking place nearest the building. The outer or entry door should be opened *only* to people known by staff. All entrances and windows should be locked.

When working alone, officers should inform someone—a supervisor or a spouse, for instance—of their location and estimated time of departure. A system of regular telephone checks should be established. Answering devices, such as message recorders, should be used. Workers should listen and call back immediately if necessary.



An example of a “sterile” office.

Photo by Robert L. Thornton.

With the added security measures and the change in officer work space design, the cost for new construction was approximately \$14.50 per square foot (according to quotes obtained in 2000 in Pennsylvania), which is much less than the square foot costs of many offices with the standard design.

As offices begin to expand their security using devices for metal detection, many questions may arise. The National Institute of Standards and Technology booklet *A Measurement System for Characterizing the Detection Performance of Metal Detectors: Design and Operation* can help answer those questions.<sup>52</sup>

# Protection From Disasters

## EMERGENCY PERSONNEL

Each building or office should have a person, usually an administrator, who is responsible for the coordination of emergency services and evacuation of the building. At minimum, that person should have the names and numbers of those individuals or agencies responsible for—

- Fire control.
- Electrical outages.
- Emergency medical services.
- Responding law enforcement.
- Fire/security alarm services.
- Fire extinguisher services.
- Building maintenance.

This information also should be readily available to others in the office, such as a duty officer and reception staff. Many agencies then break down emergencies into response teams with special training in how to handle such situations as—

- Occupant emergencies.
- Assessing bomb threats.
- Responding to biohazards.
- Responding to fires.

Other team members are responsible for individual floors of an office or building, with a primary responsibility of making sure everyone is evacuated in an emergency.

Many offices have only one alarm for both fire emergencies and a bomb threat. In such cases, staff hear the alarm, exit the building,

and then congregate just outside the building. Some agencies announce the type of threat with, for example, code F for fire, or code B for bomb. Others choose not to identify the threat, only advising personnel to exit the building and gather at predetermined points away from the structure. Exit routes from the building should be clearly posted and known to personnel. The main issue is that designated staff ensure that all personnel are notified and exit and move away from the building.

In areas susceptible to natural disasters, personnel must have clear direction on where to gather, as going outside might not be the best thing to do.

## RESULTS OF 9/11

As concerns rise regarding terrorist attacks, personnel focus on how to minimize risks at work. As discussed previously, those charged with building management—and all personnel—must assess the threats to the work environment. Trained and motivated staff are as important as technological advances. The following standard precautions apply to most buildings.

### *Deliveries*

Access to shipping and receiving areas must be controlled. All deliveries should be registered, screened, and logged in before being accepted. Personnel should be trained in techniques to identify bombs and other suspicious packages (see “Listening to ‘gut feelings’”).

### **Listening to “gut feelings”**

An alert receptionist thwarted a pipe bomb when she noticed that the delivery man was not dressed normally. She listened to her “gut feelings” and called security. A pipe bomb was found in a bouquet of flowers being delivered to one of the female staff. It turned out that the intended recipient was involved in a love triangle.

### **Ground-Floor Vents**

Street-level air intakes should be sealed and moved to higher floors to prevent sabotage. High-efficiency particulate air (HEPA) filters can remove airborne pathogens and other contaminants at fresh-air intakes. HEPA filters on vents remove and prevent from circulating almost 100 percent of particulates larger than one micron in size.

### **Security Cameras**

Cameras around the building can provide constant surveillance and should be set up with a video recording system. Although they offer deterrence, they are only as good as their human backup.

### **Safer Windows**

Consider moving windows to 6 feet or higher above ground level. Shatterproof or bullet-resistant glass also makes windows safer. But what is around the glass? Thousands of dollars were spent to install bullet-resistant materials around the window casings of a recently built federal courthouse after rounds from a drive-by shooting entered the building. Window placement should consider the view angle available from the street.

### **Trash Bins**

Trash bins are hiding places for bombs and should not be placed outside the building.

### **Barriers**

Large planters, sculptures, and fountains can be strategically placed around the building to keep cars and trucks at a distance.

Since the 9/11 terrorist attack, greater attention is being placed on screening devices. Soon key cards will be replaced by fingerprint, iris and retinal pattern, and facial scanners. These devices will help eliminate human error.

## **WHEN THE THREAT STRIKES HOME**

Most officers agree that it is unsettling when hazardous situations occur at work. But when the threat or attack transcends to home, it is even more unnerving. Not just the officer is affected, the whole family is affected. Family members’ lives are never quite the same, even if they are fortunate enough to avoid an attack (see “Vigilance at home”).

Officers and their agencies can effectively respond to such attacks with the right information and planning. Having an emergency response profile on hand helps alleviate confusion and saves time. An example is included in the model protocol for critical incident and death notification (see appendix A). With this information readily available, the agency can notify family members and move to establish protection for them when the situation warrants it.

“Helpful Hints on Personal Security,” from the U.S. Marshals Service publication *Offsite Security Booklet for Judicial Officers*, lists steps to protect officers’ personal information and make it more difficult for others to gather pertinent information about them and their families (see appendix B).<sup>53</sup>

“Your home is your castle”—that is what people like to think. The reality is that, especially in an urban setting, service people

move around and in private homes, and little thought is given to who they are, whether they are convicted felons or drug abusers, and whether their jobs have brought them there. The Residential Security Survey Guidelines in appendix C list considerations, improvements, modifications, and other steps that can be taken to increase the safety and security of officers and their families in their homes.<sup>54</sup>

## WHEN WE ARE THREATENED

About half all of community corrections officers will receive some type of threat or endure an actual assault during their career.<sup>55</sup> The author of this report has had three

### *Vigilance at home*

One morning in January 1999, Washington State Community Corrections Officer Tom Perrine got up and took the family dog outside, just as he had done many times before. As he and his dog reached the corner of the house, his dog went to investigate a box lying in the driveway. Officer Perrine called his dog away, put him in his kennel, and returned to see what was in his driveway. As he reached down to pick up the box, it exploded. Both of Officer Perrine's legs were injured in the blast, one severely. Months of pain, uncertainty, and rehabilitation followed. For a time, his family moved to a secret location while he stayed in the hospital under an assumed name. As a result of the blast, he lost some of his hearing and the end of an index finger and had back muscles removed so that they could be transplanted into his leg. He also will quite likely have vision problems in the future.

A thorough investigation by local and federal authorities determined that the bomb had been placed at his residence at the direction of one of his long-time offenders who was facing his second revocation as a result of drug use and failure to attend treatment.

contracts taken out on his life—two by the same individual. He is well aware of the effect such threats have on both the officer and the officer's family.

How can someone differentiate between a “real” threat and a threat with little chance of harm? Although no studies exist on threats to community corrections personnel, studies on threats against those in related professions can provide general information and help officers separate the real from the bluff.

As Gavin de Becker explains in his best-selling book, *The Gift of Fear*:

It is a tenacious myth that those who threaten public figures are the ones most likely to harm them. In fact, those who make direct threats to public figures are far less likely to harm them than those who communicate in other inappropriate ways (lovesickness, exaggerated adoration, themes of rejection, the belief that a relationship is meant to be, plans to travel or meet, the belief that the media figure owes them something, etc.). Direct threats are not a reliable pre-incident indicator for assassination in America, as demonstrated by the fact that not one successful public-figure attacker in the history of the media age directly threatened his victim first.<sup>56</sup>

Most people who make threats do not carry them out.<sup>57</sup> Conversely, most people who do harm do not make threats. Studies show (and are confirmed by cases of community corrections officers killed in the line of duty) that those who cause or attempt to cause physical harm are not likely to verbalize their intent to do so.

Frederick S. Calhoun labels potential assailants as either *hunters* or *howlers*.<sup>58</sup> Howlers verbalize—either directly, in writing, or through an informant—their feelings for the targets of their anger and, many times,

what they intend to do. Hunters gather information about their intended targets and seek them out with no verbalization or warning. Mr. Calhoun categorizes threats by their possible outcomes: *specious*, *enhanced*, and *violent*, as follows:

**Specious threats** have the ring of truth or plausibility but are ultimately proven fallacious because no evidence is found of an effort to carry out the threat. Simple statements, however delivered, such as “I’ll kill you” or “You’re a dead man,” were rated specious if no evidence indicates that the threatener went beyond the statement to action.

**Enhanced threats** are accompanied by an action such as a visit to the courthouse, a strange car prowling around the victim’s neighborhood, or a threatening object left for the victim to find. The suspect takes a step beyond the initial contact.

**Violent threats** involve physical injury and/or property damage and might include the assassination of judges, fire bombings, showing up at the courthouse with a weapon, muggings, and burglaries.<sup>59</sup>

In a study of the threats to federal judicial officials between 1980 and 1993, 2,996 threats contained enough information to assess an outcome. Of these, 92 percent were specious: They contained no evidence of any attempt to implement the promised harm. However, in the remaining cases, two federal judges were assassinated. Four percent of the cases were enhanced: Court officials were assaulted or involved in cases in which others were assaulted. The remaining 4 percent of cases were violent: Judicial officials risked injury or harm when the individuals threatening officials tried to implement their threats.<sup>60</sup> No one particular area of the country accounted for a significantly greater number of threats.

When the *assailant* (the author’s term, not Calhoun’s) left a threatening symbol in or around the victim’s home, for example, he

or she posed a far greater threat. In rating the seriousness of threats, Calhoun found that 42 percent were specious, 18 percent were enhanced, and 41 percent were violent. When the actions of the assailant escalated from inappropriate communication to action directed specifically toward the victim, the danger greatly increased.<sup>61</sup>

Those who wrote or telephoned or spouted off to an informant signaled that they preferred to maintain physical distance between themselves and their victim. “In that instance lay the victim’s safety—and the howler’s.”<sup>62</sup> The hunters, who truly intended harm, took action, most often without warning.

None of the community corrections officers mentioned in this publication who were killed in the line of duty were threatened or warned before the attack, according to official records. Thus, although the threats officers receive can be unnerving, most will not result in a physical attack. But should they be ignored? Certainly not. Law enforcement authorities should be contacted and, hopefully, they will use devices created by de Becker, the U.S. Marshals Service, the U.S. Secret Service, and others to evaluate the threat and guide the victim. As Calhoun states:

Most importantly, the victim is advised of any steps he or she can take to lessen the risk, regardless of how low the rating. As de Becker well understands, the one aspect of the situation the victim entirely controls is his or her own response. A simple exercise of reasonable caution goes a long way to frustrating even the most determined threatener.<sup>63</sup>

As research and the experiences of community corrections officers show, the most serious attacks come without warning. Thus, vigilance must become a way of life, and the steps outlined here should be implemented so that officers will live not in fear but with a heightened level of awareness.

## Arrest, Search, and Seizure

As their role expands, probation officers will make more arrests and be involved in more searches and seizures. Obstacles that prevent officers from performing these tasks effectively can result in dire consequences (see “When arrest powers would have helped”).

In the National Association of Probation Executives (NAPE) survey, 77 percent of responding probation and parole agencies reported that their officers possess arrest powers. The report also indicated that “many jurisdictions do not utilize these powers as a matter of policy or practice. Only 53 percent of responding agencies reported that their officers actually made arrests.”<sup>64</sup> If the probation officer in the example had been allowed to execute the warrant and make the arrest, as outlined by Congress, the two women would not have been victimized. Probation and parole officers in many jurisdictions have the power to make arrests with or without a warrant but are constrained from doing so by agency policy.

Another county probation agency has a special absconder unit, but its officers are allowed only to *locate* offenders; they must ask law enforcement authorities to make physical arrests. This policy does not sit well with many probation officers—or with the police officers who are called to do a job that probation officers are authorized to do. In jurisdictions where such policies exist, a common reason given for not allowing officers to make arrests is that they are not trained. The obvious solution to this problem is to train them (see “Search powers extended to officers in Missouri”).

### ***When arrest powers would have helped***

In February 2002, a federal offender reported to his probation officer for a scheduled contact. The offender was on supervision for bank robbery and had a lengthy record, including previous arrests for probation violations. The probation officer planned to have him arrested for an additional violation when he arrived and had requested another warrant from the sentencing judge. However, because the judge was in trial, the warrant was not issued in time for the meeting.

The offender had been told to wait but became suspicious and left. The warrant was issued by the court the next day, but the offender, knowing he had violated the terms of his supervision, absconded from his home. Within 2 days, the offender hijacked a car driven by a woman in a nearby city and assaulted and robbed another woman in the parking lot of a shopping mall. Several months later, the offender was apprehended two states away by U.S. Marshals as he slept in the car he had stolen—while in the company of a probationer. The investigation has not yet determined whether he supported his travels by committing other criminal acts.

Title 18 of the U.S. Code, Section 3606, states, “A probation officer may make such an arrest wherever the probationer or releasee is found, and may make the arrest without a warrant.”<sup>a</sup> In this particular district, however, the administration did not allow probation officers to make arrests without warrants. Furthermore, even if warrants had been obtained, law enforcement officers, rather than probation officers, were to execute them.

a. 18 U.S.C. 3606 (2001).

## ARREST RESPONSIBILITY

With arrest responsibility comes increased risk. In 2000, 51 law enforcement officers were killed in the line of duty, up from 42 in 1999. Of the 51 officers, 12 were killed in arrest situations, which is second only to the number killed in traffic pursuits and stops (13).<sup>65</sup> Arrests by community corrections agencies have not resulted in a statistically significant increase in the number of assaults. However, as arrests increase, an increase in hazardous duty incidents can be expected, especially if training is not provided (see “Arrest powers bring added risks”).

Such encounters can be expected when trying to apprehend offenders. More and more police have been told the offender they are seeking has made the statement that they are “not going back to prison.” U.S. Department of Justice statistics reveal that arrests were

### ***Search powers extended to officers in Missouri***

Probation officers in the U.S. Probation Office for the Eastern District of Missouri, which is headquartered in St. Louis, historically had not been permitted to perform searches. A new administration changed that position and hired consultants to train the staff on search and seizure law, policy development, and search techniques. The administration then presented a search policy to its judges, received approval, and trained its officers using scenario-based methods.

The agency uncovered a significant quantity of methamphetamine and seized \$5,000 in cash in its first search. In its second search, which involved a sex offender, officers found five garbage bags filled with pornography, restraint devices, and other bondage equipment. The agency’s change to a proactive approach to supervision has allowed it to uncover ongoing criminal activity and protect the community.

### ***Arrest powers bring added risks***

On January 2, 1999, U.S. marshals attempted to serve a supervised release violation warrant to a felon on supervision for possessing a firearm. While on absconder status, he had also been involved in a home invasion robbery in another state. As they approached the residence where the violator was, he left the house and got into his truck. A sheriff’s deputy who was with the marshals agreed to stop him with his marked patrol car and take him into custody. As the deputy pulled in behind the offender, he increased his speed and a chase ensued. The offender began firing, and one of the bullets came through the deputy’s window while he was talking on the radio. The bullet from the 9mm handgun blew off the end of one of the deputy’s fingers as he held the microphone to his mouth, and lodged in the microphone.

The marshals continued the chase, with shots going back and forth between vehicles. Both the offender’s truck and the marshals’ vehicle were hit numerous times, although neither the offender nor the marshals were hit. After a 15-mile chase, the offender lost control of his truck, crashed into a residence, and was taken into custody.

the leading situational factor in deaths among law enforcement officers (33 percent) and the second highest factor in assaults on them (22 percent) between 1991 and 2000.<sup>66</sup> Even when community corrections officers are not charged with making arrests, they may be called on to participate in an arrest with law enforcement, or the arrest may occur in the community corrections office. Clearly, the arrest procedure and all that it entails becomes an adversarial action. The likelihood of resistance is greater than at any other point in the officer-offender relationship.

An Oregon state parole officer told a reporter that one of his parolees, a convicted murderer, put the job of the parole officer into good perspective. The offender told the officer, “Jack, this whole thing between you and me is a game, but we can die playing it.”

## ARMED OR UNARMED?

The issue of whether probation and parole officers should carry weapons is one of considerable debate. It reflects how the role of the officer is perceived, even while the role

and the environment change. The APPA reported the first comprehensive study of the number of armed agencies in its *National Firearm Survey 2001–2002* (see exhibit 10).<sup>67</sup>

In the Arizona Supreme Court survey conducted in August 2001, 77 percent of respondents believed adult probation officers should be allowed to carry firearms and 68 percent believed juvenile officers should be allowed to carry firearms. At the time of the survey, only 1 of Arizona’s 15 counties allowed either adult or juvenile officers to carry firearms.<sup>68</sup>

### Preliminary Results of the *Adult and Juvenile Probation and Parole National Firearm Survey, 2001–2002*

Adult Probation <sup>1</sup>	
Number of jurisdictions in which some or all officers carry firearms	38
Number of jurisdictions in which carrying firearms is limited to special duty officers	3
Of the jurisdictions where officers carry firearms, the number that are optional and mandatory	22 optional/13 mandatory
Number of jurisdictions in which no officers carry firearms	16
Adult Parole <sup>2</sup>	
Number of jurisdictions in which some or all officers carry firearms	41
Number of jurisdictions in which carrying firearms is limited to special duty officers	2
Of the jurisdictions where officers carry firearms, the number that are optional and mandatory	20 optional/20 mandatory
Number of jurisdictions in which no officers carry firearms	12
Juvenile Probation <sup>3</sup>	
Number of jurisdictions in which some or all officers carry firearms	12
Number of jurisdictions in which carrying firearms is limited to special duty officers	3
Of the jurisdictions where officers carry firearms, the number that are optional and mandatory	8 optional/1 mandatory
Number of jurisdictions in which no officers carry firearms	40
Juvenile Parole <sup>4</sup>	
Number of jurisdictions in which some or all officers carry firearms	10
Number of jurisdictions in which carrying firearms is limited to special duty officers	2
Of the jurisdictions where officers carry firearms, the number that are optional and mandatory	4 optional/4 mandatory
Number of jurisdictions in which no officers carry firearms	41

<sup>1</sup>Includes information from 50 states, the District of Columbia, U.S. Probation and Pre-Trial Services, Guam, and the Virgin Islands.  
<sup>2</sup>Includes information from 50 states, the District of Columbia, Guam, and the Virgin Islands.  
<sup>3</sup>Includes information from 50 states, the District of Columbia, and Guam.  
<sup>4</sup>Includes information from 50 states and the District of Columbia.

Source: Reprinted from the American Probation and Parole Association’s *Adult and Juvenile Probation and Parole National Firearm Survey, 2001–2002*.

As the possibility of violence by the offender increases, so does the need to provide adequate measures to keep officers safe. In 1948, the number of police officers was three times the number of violent crimes. In 1992, the number of police officers was half the number of violent crimes—a sixfold decrease of police officers in proportion to violent crimes.<sup>69</sup> Nearly half of the homes in the United States have at least one firearm, and in rural homes the presence of a shotgun or rifle is even more common.<sup>70</sup>

Agencies develop various strategies to deal with these issues. Many agencies, such as the Washington State Community Corrections Department, conduct searches, make arrests, transport prisoners, and give officers the option of being armed. Other jurisdictions arm only special units that deal with high-risk offenders, such as drug abusers or gang members. However, most incidents occur during routine duties, such as office or field contacts, as shown in a review of cases where community corrections personnel were seriously assaulted or killed.

Research has identified several issues surrounding the safety of officers carrying firearms.<sup>71</sup> Particularly during an arrest, the potential dangerousness of the offender needs to be considered when making the decision whether to carry firearms. Unfortunately, violence cannot be predicted with great accuracy. Attacks that seem totally irrational and indiscriminate occur.<sup>72</sup> For example, in February 2002, U.S. Marshals attempted to serve a probation violation warrant on a 46-year-old woman in a credit card fraud case. After they entered the apartment, pushed back a chair blocking the door, and walked 10 paces down a hall, she fired 2 shots. The marshals retreated and called for backup. The woman surrendered after almost 3 hours.<sup>73</sup>

## FIREARMS TRAINING

Training and certification, integral to a firearms policy, raise many questions:

- Who should be authorized to carry firearms?
- What training should they receive?
- How often and by what methods is their proficiency reviewed?
- When is the use of firearms authorized?
- What are the legal ramifications and liabilities of using firearms?

In many corrections agencies, firearms training traditionally has consisted of firing rounds from varying distances at static targets. Many authorities believe that these methods will no longer meet the legal test. The Arizona Ad Hoc Safety Committee developed firearms standards (see appendix D) that list the elements needed for a comprehensive firearms program that meets the legal challenge.<sup>74</sup>

### Popow v. City of Margate

*Popow v. City of Margate*,<sup>75</sup> a federal court case filed under the Civil Rights Act, Title 42, Section 1983 of the U.S. Code, involved a shooting in Margate, New Jersey, that has had a significant impact on inservice firearms training for many law enforcement departments. *Popow* is the case most often cited by plaintiffs' experts when examining the relevance of police firearms training.<sup>76</sup>

In *Popow*, two police officers were pursuing an apparent kidnaping suspect on foot. An officer's stray bullet killed an innocent bystander, Darwin Popow, as he came out of his house in response to the commotion. In deciding the case, the U.S. District Court in New Jersey evaluated the firearms training received by the police officers by determining its relevance, realism, and recency.

In rendering its decision against the city of Margate and its officers, the court concluded the training given the officers was grossly inadequate. Its evaluation revealed that no training or instruction had been given on shooting at moving targets, nor had any simulation been provided that would teach officers when to shoot.<sup>77</sup> Due to the low number of shootings involving field corrections personnel, no similar challenge in corrections could be found.

### ***Elements of Effective Training***

More training hours are spent on the use of firearms than on any other area of training, which is appropriate considering the seriousness of using a weapon. However, agencies and officers should not be led to believe that shooting holes in paper targets at a range constitutes adequate training. A well-rounded training program involves—

- Mental preparation.
- Instruction in the proper use of force.
- Involvement in mock shooting situations.

- Exposure to realistic shooting situations under stress.

Before training can begin, policies must be created and guidelines established. Appendix E lists issues to be addressed when considering arming officers; the checklist can be used as a self-test for local firearms programs. In addition, Rick Faulkner and staff of the National Institute of Corrections compiled a list of suggested issues to be addressed in firearms policy and training (see “NIC’s firearms policy and training issues”).

### ***When Should Firearms Be Issued?***

Not all of the items from the checklist need to be in place before the agency issues firearms. Consider which of the items ought to be resolved, especially those related to liability issues—or the agency may be unnecessarily exposing itself to liability.

Because effective training programs can be costly, most corrections agencies use local law enforcement training facilities. Many progressive agencies, such as the Pima County

#### ***NIC’s firearms policy and training issues***

- Agency mission statement.
- Training requirements.
- Physical requirements.
- Psychological implications.
- Use-of-force model.
- Type of weapon authorized.
- Type of ammunition authorized.
- Purchase of weapons.
- Secondary weapons.
- Self-defense training.
- Body armor.
- First aid training.
- Incident reporting procedures.
- Employee assistance programs.
- Legal liability issues.
- Local police department protocols.
- Weapons security in the office and field.
- Shooting review boards and panels.
- Arrest, custody, and transportation.
- Communication.
- Teamwork approach.
- Gender issues in training.
- Instructor’s authority regarding firearms.
- Discharge-of-weapon policies.
- Display and presentation of firearms.
- Personal weapons.
- Off-duty policies.
- Weapons inspection.
- Statutory authority.
- Interstate compact.
- Labor-management issues.

(Arizona) Adult Probation Department and the South Carolina Department of Probation, Parole and Pardon Services, have established dynamic training programs on arrest, search and seizure, and the appropriate use of firearms. Many law enforcement agencies have been meeting legal challenges for some time and can help design or adapt programs to fit community corrections officers' needs. The key is to provide training on a regular basis, focusing on specific skills that come under the broad umbrella of firearms training. To adequately address legal concerns, any firearms training program must consider the issues of relevance, realism, and recency.

**Relevance.** Relevant shooting situations can be shown by using professional or in-house videos or "Hogan's Alley"-type mock situations. Officers should try to duplicate the real environment as closely as possible. Using today's digital technology, agencies can produce their own scenarios designed specifically for community corrections, which can be integrated with simulation training such as that designed by the IES Interactive Training System's Range 2000 used by the Pima County Adult Probation Department. No longer must the trainer depend on reproduced training videos. Scenarios can be created and modified to maintain continuity with the local department's policies.

Studies at various police academies nationwide have shown that officers, when confronted with a deadly threat, are generally unable to return fire quickly and effectively while holding other objects in their hands. The first author of "Officer Down," a training resource for law enforcement officers, told of an officer who confronted a deadly threat while holding a pen in his gun hand. Without dropping the pen, he drew his revolver and fired several rounds. Because the pen altered the way the gun fit his hand, none of the rounds hit the intended target. His brain focused on the threat and was

unable to simultaneously signal his hand to let go of the pen.

Many officers have been trained to stand and shoot at the 7-yard line. But officers must also be taught to think about moving to cover and out of the line of fire while shooting. This technique, called tactical thinking, categorizes the elements of combat shooting as tactics—40%, accuracy—30%, power—20%, and speed—10%.

What happens when an officer is shot? Read the following statement and fill in the blank with the first word that comes to mind.

"During a bank robbery today, two people were shot and \_\_\_\_\_."

Most people insert *killed*, forgetting *injured* or *wounded*. In fact, more people survive gunshot wounds than die from them. Of all shooting victims reported, 60–70 percent survive. When victims reach the hospital alive, they have a 90-percent chance of survival.<sup>78</sup>

**Realism.** Students attending training should wear the same type of clothing they wear on the job. If they wear body armor in the field, they should wear it during training. Verbal commands to the assailant and other auditory and visual stimuli found in real-life situations should be used.

Light conditions and structural settings of the training should correspond to the situations officers are likely to encounter on the street. Sixty percent of shootings involving law enforcement officers occur in low-light or nighttime settings.<sup>79</sup> Because community corrections officers mostly work in the field during nonstandard work hours, visibility issues must be addressed when designing firearms training. Examples of training techniques include low-light indoor ranges and low-light indoor "shoot/don't shoot" situations.

The NAPE survey showed that only 43 percent of the agencies that allowed the carrying of firearms included shooting scenario

training on the use-of-force/control decision.<sup>80</sup> Interactive video training, such as Firearms Automated Training Systems (FATS), provides opportunities for officers to train in shoot/don't shoot situations. However, FATS generally uses law enforcement scenarios, and therefore corrections personnel may feel this training is not relevant to their work. By using products like the IES Interactive Training system, trainers can simulate situations that require the officer to choose the appropriate level of force. Other training issues, such as the use of oleoresin capsicum (OC) aerosol, commonly called pepper spray, also can be incorporated.

Training benefits not only officers, but judges, attorneys, and citizen groups as well. They quickly realize the complexity of the situations officers face and the stress and speed under which decisions must be made.

**Recency.** The training should focus on the officer's total response—his or her thinking (decisionmaking) process, feelings (physical reactions under stress), and actions (overall performance in shooting situations). Does the officer give appropriate verbal commands, seek appropriate cover, avoid auditory and visual shutdown, and respond to changes in the environment, such as the actions of other individuals?

Scheduling long hours of training sporadically is not the best way to increase proficiency with firearms. Skills are best learned and retained when they are practiced for shorter periods of time and more frequently. Building confidence in an officer's ability to use equipment effectively and make the appropriate use-of-force decision is the ultimate goal. This sums it up: "If you face one opponent and doubt yourself, you're outnumbered."

Agency policy should include guidelines for response to shooting incidents. The FBI developed a 26-page document, *Shooting Incidents: Issues and Explanations for FBI Agents and Managers*, which includes—

- Psychological and physiological aspects of shooting incidents.
- Legal issues for FBI agents involved in shooting incidents.
- Guidelines for FBI supervisors and managers who conduct administrative inquiries into shootings that involve agents.
- Guidelines for supervisors and managers who report the results of administrative inquiries into shootings that involve agents.<sup>81</sup>

### ***Why Armed Officers Face More Hazards***

William Parsonage's study on victimization found that armed officers had a higher occurrence of hazardous duty incidents than officers who were not armed.<sup>82</sup> Although at face value this finding is alarming, certain factors may explain it. Did armed officers work with a more dangerous group of offenders? Were armed officers required to perform more dangerous tasks, such as arrests, surveillance of more violent offenders, and searches? Did armed officers perform their jobs differently because they were armed?

Because of differences among jurisdictions, it is difficult to establish one set of rules or guidelines on how community corrections officers should perform their duties. Each agency must set its own policies and procedures and make sure that staff clearly understand the agency's expectations. Unlike law enforcement, community corrections officers usually are more able—if not expected by their agency—to first try to disengage from a hazardous situation. Although this is an easy principle to understand, it goes against the natural instinct of many officers.

In conducting supervision, the officer is by definition attempting to determine the activities of the offender and, when possible,

reduce risk to the public and deter further criminal activity. When officers uncover criminal conduct, it is often a situation that develops quickly and calls for split-second decisions regarding whether to stay and attempt to take control or disengage and take another form of action.

Many officers have not trained for the type of situation described. Without training, they tend to react emotionally, rather than thoughtfully evaluating the situation and responding effectively—and in keeping with agency policy.

Officers must be taught that—

- A firearm is a piece of safety equipment to be used when the officer perceives that there is, or is likely to be, a threat of serious physical injury or death.
- Officers should not do anything because they have a firearm that they would not do if they did not have a firearm. (An exception to this would be the performance of certain law enforcement functions.)

The effective use of a firearm requires tactical planning and training. In community corrections, the use of a firearm calls for split-second evaluation of the entire situation—the offender, the environment, and the skill and training of other officers who may be present.

To a greater degree than law enforcement, community corrections officers tend to work with coworkers who have more varied experiences and mental attitudes that affect their ability to respond to hazardous situations.

For many officers, the realities about using firearms on duty have not been considered previously. These new concepts and mental attitudes cannot be learned by typical lecture-type training. Only repeated, dynamic training and experience will help incorporate them into each officer's daily actions and thoughts.

## USE OF SEARCH TEAMS

In conducting searches, community corrections officers often face situations that require special training. Unlike the police, many community corrections personnel have no greater powers of arrest than ordinary citizens. When confronted with resistance from individuals other than those under supervision, the actions the officers can take may be limited. In addition, court rulings in many jurisdictions are unclear as to the amount of force they can use without a search warrant.

The NAPE survey stated that “almost 85% of the jurisdictions report the authority to conduct searches and 67% actually utilize this power in the field.”<sup>83</sup> Recognizing the unique problems and potential dangers of conducting searches, some departments use special search teams of officers trained in all aspects of conducting arrest, search, and seizure activities. These officers may or may not carry a caseload.

The Washington Division of Community Corrections developed an extensive training program in arrest, search, and seizure techniques for officers. The multiphase program consists of three 2-day training sessions and addresses the following topics:

- Phase 1 teaches basic search, handcuffing, and seizure techniques.
- Phase 2 describes the development of the arrest plan and coordination with local law enforcement officials.
- Phase 3 suggests ways to deal with hostile and resistant offenders.

The training recognizes a major mistake often made in searches: Officers start searching before they properly control the area and its occupants. The importance of teamwork and the proper use of law enforcement is emphasized. Each phase of the training program involves 1 day of classroom instruction and 1 day of practical exercises. Participants practice the skills learned during various

scenarios and receive feedback from each other and the instructors.

## PLANNING AN ARREST

Officers can maximize the potential for a safe and successful arrest by planning it thoroughly. The individual or committee evaluating or developing an arrest, search, and seizure program should ensure that it covers the following issues:

- The arrest plan identifies who or what is the target, when the arrest should occur, where it should take place (e.g., the supervision office or field), and how it will be conducted. The plan includes information about other occupants of the home (in a residential arrest); the layout of the target; the landlord's name and telephone number (if applicable); and the offender's telephone number, work and living schedules, and photographs.
- The arrest is coordinated with appropriate local law enforcement personnel. Although the extent of their involvement may vary, at a minimum they are informed of the plan. In instances in which the offender poses sufficient risk or individuals not under supervision are present, law enforcement participates in the arrest.
- The following factors are considered when selecting a search team: the gender of the offender (e.g., if the offender is female, how the frisk search will be conducted), the special needs of the offender or situation (e.g., a history of violence, the need for involving child protective services), language barriers, and the training and experience of the team members.
- Necessary documents or equipment are included in the arrest plan, such as an order for arrest, a transportation vehicle, handcuffs, search kits, and body armor.
- The arrest team conducts visual surveillance of the target before the arrest.

- A briefing before the arrest provides team members with the information needed to conduct the arrest safely and effectively. Duties are assigned, including who will talk, who will provide cover, and who will perform specific tasks, such as the arrest and the search. There should be no question of who is in charge. After the arrest or search, a debriefing is held to evaluate the strengths and weaknesses of the incident.

## APPROACH, ENTRY, AND CONTROL

Before conducting an arrest, the search team should carefully observe the following procedures:

1. Visually check the target. Be alert for warning signs of a high-risk arrest, including excessive foot traffic, apparent substance abuse, watchdogs, or heavily secured or barred entrances.
2. Position team members to maintain visual or radio contact. Communication throughout the arrest process is vital to success and safety.
3. Approach from the direction least visible to the target.
4. Make the arrest team's identification, such as badges and department insignia, clearly visible when gaining entry.

### *Searching Techniques*

Periodically, search techniques need to be reviewed and new issues and hazards discussed. Training that simulates stress conditions and realistic situations is the most effective.

- Whether targeting individuals, residences, offices, or vehicles, a search follows consistent procedures, such as breaking the search target into quadrants and searching each quadrant thoroughly.

- When conducting a search, officers use a grasping motion rather than patting to avoid accidental needle sticks or contact with other potentially dangerous objects. Protective gloves should be used, if available.
- Some departments advocate searching with a baton instead of hands, even when protective gloves are worn. As officers become comfortable with the baton, they can discern objects that would be normally felt by a manual search without endangering themselves.
- Whenever possible, an offender should be searched by an officer of the same gender. This helps prevent potential claims of misconduct.
- If a house or business is to be searched, search assignments should be part of the arrest plan.
- Many agencies direct officers to search a house or business only when the offender is present. Alternatively, in the offender's absence, an adult who lives or works at the house or business or the owner and/or manager of the house or business should be present.

### ***Using Canines in Searches***

In many jurisdictions, technical violations of the conditions of probation or parole may not be enough to authorize local law enforcement to conduct a search of a parolee's or probationer's residence. Community corrections officers consequently cannot always rely on law enforcement canine (K-9) units for assistance. Increasingly, probation departments are developing their own K-9 programs and using search clauses in probation orders to ensure that offenders comply with the law.

K-9 programs can provide other benefits as well. When local law enforcement uses a probation department's dog on a search, and

assets are seized as a result, the probation office may be able to share in the asset forfeitures. K-9 programs also help develop positive relations with law enforcement and the community. The dog handlers demonstrate the dogs' abilities at local schools and use dogs to search jails, juvenile halls, and halfway houses for contraband.

The Santa Barbara County Probation K-9 unit found 180 kilos of cocaine and 18 pounds of marijuana in 1 year. In one incident, officers told a probationer that a dog would search his vehicle, prompting the probationer to spontaneously retrieve three doses of heroin concealed in the engine compartment. The cost of their K-9 program is more than recovered by asset forfeitures.

### ***Contraband Management***

The agency's contraband management policy should outline the following practices:

- The search team has a prearranged plan to handle any confiscated property or evidence. The plan includes identification of the evidence officer and his or her location. A separate officer may be needed to photograph or videotape the scene and evidence.
- The evidence officer is well versed in the department's policies and procedures regarding the chain of evidence, including handling contraband.
- The lead arrest officer has ensured that sufficient evidence kits are available before the arrest.
- The evidence officer describes confiscated materials without attempting to analyze their contents. (Specialists test and identify the materials.)

### ***Handcuffing***

The importance of proper handcuffing techniques cannot be overstated. Hundreds of

law enforcement officers have been injured or killed because an individual appeared to be cooperative and harmless, and therefore they did not apply handcuffs as a routine practice. Agencies should establish policies that address who should be handcuffed and why, when, and how handcuffs should be used.

Agency handcuffing policies also should emphasize these points:

- A subject under arrest should be held in handcuffs (and other restraints, if available and approved by the agency) until placed in a secure facility.
- The greater the potential for violence exhibited by the offender, the greater the need to place the offender in a disadvantaged position (e.g., standing, kneeling, or prone).
- Officers should practice handcuffing in dynamic training situations with subjects of different sizes, genders, and levels of resistance.

Many defensive tactic training programs incorporate handcuffing techniques. Handcuffing training may seem unnecessary, especially to the more experienced officer. However, the art of safely and effectively applying restraints brings together the skills of verbal diffusion, nonverbal communication, proper use of physical force, and the role restraints occupy in the use-of-force continuum. Handcuffing skills training can be integrated into simulations that call for the use of various techniques with different types of offenders. Most important, officers should know how to apply handcuffs on individuals who exhibit varied levels of resistance.

The U.S. Marshals Service training manual states that officers must follow these safeguards to apply handcuffs properly:

- Remain alert to unexpected moves.
- Approach the prisoner from the rear or the side.

- Maintain control of the prisoner and keep him or her off balance.
- Search the prisoner thoroughly.
- Handcuff prisoners with their hands behind their backs and palms facing outward.
- Double-lock the handcuffs.
- Test the handcuffs by slightly pulling or pushing the handcuff jaw.<sup>84</sup>

Because few probation agencies use “belly chains,” they handcuff offenders in front for their comfort while being transported. Two Florida detectives recently lost their lives as a result of that mistake. *Never handcuff in front without the use of a waist chain or belt!*

Current training techniques maximize positioning, balance, and speed. Officers are instructed to order an offender to place his or her hands in the desired position, rather than reaching over or around the person and exposing themselves to danger. The same instruction applies when removing handcuffs.

An article in a safety newsletter published by the U.S. Probation Office in Sacramento, California, suggests that before an officer arrests, handcuffs, or transports an offender, he or she should be able to answer the following questions:

- What will you do if the prisoner resists cuffing?
- What will you do if the prisoner physically attacks you?
- What will you do if the prisoner becomes violent while being transported?
- Where will you take a prisoner who has a medical emergency while being transported?
- What will you do if others interfere with the arrest?<sup>85</sup>

The National Institute of Justice Technology Assessment Program publishes various

reports on handcuffs and standards (e.g., NIJ Standard–0307.01).<sup>86</sup> Traditionally, three types of handcuffs have been available: chain-link, hinge, and disposable models.

### *Transporting an Offender*

In Sacramento, California, a deputy U.S. marshal placed his weapon under the front seat of his vehicle before entering the jail to pick up a prisoner. When he returned with the prisoner, he forgot to retrieve the weapon. It subsequently slid back where the prisoner was sitting. The prisoner, handcuffed with his hands in front, grabbed the weapon, ordered the deputy to pull over, and escaped.

Between 1991 and 2000, 12 percent of assaults on and 4 percent of deaths of law enforcement officers occurred during transport.<sup>87</sup> On December 15, 1923, David W. Burns of the Kansas Department of Corrections, the first recorded parole officer killed in the line of duty, was shot and killed while transporting two offenders when one of them obtained a gun from an accomplice. Officers responsible for transporting an offender should not depend on others to search the vehicle or the offender.

Nor should they be insulted if another officer searches the offender again.

Guidelines for safely transporting prisoners include—

- The offender and the vehicle, including agency vehicles and shield cars, are searched before conducting a transport.
- Only official vehicles are used. Many safety, liability, and insurance premium issues arise when privately owned vehicles are used for official transport.
- Offenders are restrained during transport.
- At least two officers are involved in transporting an offender. An officer maintains constant contact with, and surveillance of, the offender throughout the transport.
- Offenders are not allowed unscheduled stops or telephone calls after the transport process has begun.
- Everyone in the transport vehicle is required to wear safety belts throughout the transport.
- Only officials know the exact route and final destination of the transport.

## Field Work

The rehabilitation of offenders is difficult at best, and many offenders commit additional crimes. In the 1990s, the total correctional population increased 49 percent. Almost 6.5 million men and women were under some form of correctional supervision in 2000, which is 1 of every 32 adults. (In 1990, the ratio was 1 of 43 adults.) Fifty-two percent of probationers had been convicted of a felony, 46 percent were misdemeanants, and 24 percent violated drug laws. In addition, 15 percent of probationers and 42 percent of parolees discharged from supervision were reincarcerated because of a rule violation or new offense.<sup>88</sup>

Among parolees, 84 percent reported drug or alcohol involvement at the time of their current offense, and 21 percent committed their offense to obtain money for drugs. Fourteen percent were mentally ill.<sup>89</sup>

Most serious assaults to community corrections officers occur in the field—and during what they perceive as routine duties (see “Saved by the rain in Arizona” and “A regular visit turns deadly”).

### DEMAND FOR INTENSIFIED SUPERVISION

The public is concerned with ever-increasing costs of incarceration, widespread substance abuse, social unrest, gang activity in inner cities, and a rash of particularly heinous and violent crimes. Citizens are demanding through their legislatures that prisons incapacitate and punish offenders rather than attempt to rehabilitate them.<sup>90</sup>

A Bureau of Justice Statistics report on recidivism of felons on probation between 1986 and 1989 found that within 3 years after sentencing and while still on probation, 43 percent of felons were rearrested for another felony. Half of the arrests were for violent crime (murder, rape, robbery, or aggravated assault) or a drug offense. Within 3 years after sentencing, 46 percent of all probationers had been sent to some form of custody or had absconded. Among those under intensive supervision, 39 percent had a prior felony conviction and 75 percent were drug abusers.<sup>91</sup> Consequently, the demand for intensified supervision increased as reflected by the advent of proactive supervision programs.

#### *Saved by the rain in Arizona*

In Arizona, a female adult probation officer responded to a call from the husband of a probationer. On her way to the probationer's home, it started to rain heavily and the officer decided to go home. The next day, she was horrified to learn that the person she was to meet had been arrested for raping and killing a church volunteer who had responded to the husband's plea for a food box. She also learned that she was the intended target of the attack, but the rain interrupted his plans. The murderer admitted to police that he knew the probation officer would come to his home, as she always did when he asked for help, and that he wanted to know what it was like to “choke the life out of someone.”

## INCREASED FIELD DANGERS

Some jurisdictions have largely suspended field contacts in certain high-risk areas. Although this decreases the risk to the officer, it all but provides sanctuary to offenders who live in certain neighborhoods or are particularly dangerous. In response to the killing of Indiana probation officer Charlie Knepple in the local mental health office by his offender, the court stated that officers should not contact offenders outside the office. This approach also places the very existence of probation and parole in jeopardy. How can agencies explain to the media and the legislative bodies providing their funding that high-risk parolees and probationers are not being supervised because they pose too great a threat to officers?<sup>92</sup>

The threat is real, however. A preliminary report on assaults on community corrections officers released in 1992 by the Federal Probation and Pretrial Officers Association revealed that, in 28 reporting states, 1,025 physical assaults occurred against state and local probation, parole, and pretrial services officers since 1980.<sup>93</sup> In these assaults, eight officers were murdered, one raped and murdered, one firebombed, three shot and

wounded, two clubbed, three slashed with a knife, one abducted, eight shot at (but not wounded), and two held hostage in separate incidents.

These statistics and examples emphasize that attacks can come at any time, anywhere—even in the parking lot of a sheriff's office (see "An attack in the sheriff's office parking lot"). Safety is not something that officers put on or carry in their pockets. It must be part of their total being—their thinking, feeling, and doing. It is a way of life.

Support from other officers has proven to be one of the best deterrents to attack. The chance of assault is reduced by 70 percent with the addition of a partner and by 90 percent with the addition of two people. Most corrections agencies do not have the staffing to allow officers to consistently work in teams, however. When a threat is known, as with specific high-risk cases, officers can pair up. But, because not all attacks occur when dealing with known high-risk offenders, officers working alone should be able to summon assistance when needed.

## POLICE-PROBATION/PAROLE PARTNERSHIPS

As previously mentioned, many jurisdictions are responding to the needs of intensified supervision and officer safety by establishing programs that team community corrections personnel with law enforcement. These programs, commonly referred to as Nightlight, Spotlight, or Nighthawk, enhance supervision while increasing the safety of the officers involved. However, as the programs place officers in greater contact with offenders and other law violators, they carry with them intrinsic dangers and safety training issues.

The first prerequisite for a successful program is that everyone clearly understands the powers of all parties involved. Questions

### ***A regular contact turns deadly***

On August 30, 1986, Detroit juvenile probation officer Mary Fine went to the home of a truant juvenile under her supervision and knocked on the front door. When no one answered, she walked around to the back yard. Two hours later, her partially clothed body was found by neighbors between the house's back steps and a chain-link fence, where she had been beaten, sexually assaulted, and strangled. Neighbors reported that Officer Fine had been coming to the offender's house every Thursday for several months.

on the following topics must be discussed and clear guidelines established:

- The search authority of police officers.
- Police powers of corrections staff.
- Roles of all parties when resistance is met, third-party issues arise, and contraband is observed.

These guidelines vary from jurisdiction to jurisdiction depending on the peace officer powers given to community corrections personnel in the particular location and the policies of the particular department or agency. As previously discussed, the law and agency policies may be in conflict. Many times, the legal issues are much more clear and more easily defined than the procedural issues.

Officers in partnership programs, including community corrections officers, want to learn more about their legal liabilities and protections on the job relating to the use of force (especially with those not under supervision) and shooting incidents. What do the community corrections agency, police department, and police officers expect in a use-of-force situation? Some jurisdictions expect community corrections officers to disengage and let the police handle the situation, while others authorize community corrections officers to back up police officers just as other police officers would.

### ***An attack in the sheriff's office parking lot***

In December 1991, while a U.S. probation officer parked his government vehicle in the Broward County, Florida, sheriff's district station parking lot, three armed men attacked him. They forced him to the ground and struck him on the head with a handgun. After robbing him of his personal belongings, the assailants escaped in the vehicle.

Once these issues are resolved, attention can focus on safety training. Ideally, community policing and partnership programs train all participants together. When police and corrections officers consistently work together as a unit, communication among the officers is improved and feelings of trust and cohesion grow. Of special value is simulation training, in which officers are put into situations they are likely to encounter on the job. They work through difficult situations in a controlled environment and explain their actions in a debriefing. It is important, however, to obtain instructors who are experienced in such training and who create scenarios that allow officers to succeed rather than set them up to fail.

Both police and community corrections officers should have their full complement of safety equipment before they go into the field. It is both a safety issue and a moral issue if one officer has all his or her safety equipment and the other officers do not. Although differences exist regarding whether to arm community corrections staff with guns or safety equipment common to police, minimally, community corrections officers should have body armor, a flashlight, and clothing or a badge to readily identify themselves to other responding officers.

## **RURAL VERSUS URBAN ENVIRONMENTS**

Although urban and rural environments are different, good safety techniques are the same for both. Planning, preparation, and appropriate techniques increase safety regardless of the environment. Working in a rural area does not make an officer any more or less safe; an officer working in New York City can be just as alone when help is needed as one working in the mountains of Colorado. The key to safety is mental preparation and the maximum use of available resources (see "Consider 'even how you park your car'").

### **Consider “even how you park your car”**

On May 27, 1992, a Missouri state probation officer received a report that gunshots had been heard coming from the woods around the rural home of a 63-year-old man on probation for felony charges of assault and armed criminal behavior. The probationer had failed to report for an earlier meeting with the officer, who decided to investigate and asked a local deputy to accompany him.

When the offender did not respond at his residence, the officers returned to their cars. A “gut feeling” told the probation officer not to get back into his car; instead, he got into the deputy’s car to discuss the situation. The offender came from behind the house and began shooting, hitting the probation officer’s car five times. The officers retreated down the road leading to the house and called for backup.

Police officers arrived, surrounded the house, and instructed the offender to come out unarmed. When he failed to respond, officers fired tear gas into the house. A short time later he came out the back door and lay down in the grass about 10 feet from the house. Believing the probationer was giving up, officers moved in. As they got close, he lifted an AK-47 semiautomatic rifle and began firing at them. They returned fire, and the probationer was fatally shot. None of the officers were hurt.

The probation officer heeded the warnings from the locals with whom he had taken the time to establish rapport. He took a police officer with him when he was given information that caused him concern. He listened to his instincts. He planned, he prepared, and he is alive.

The officer later said, “I don’t care how macho you are; it’s not something you forget.” In his 16 years as a probation officer, he had not given much consideration to something similar happening. Afterward, he believed that when making field contacts, “there are lots of things to consider, even how you park your car.”

## **DO YOU HAVE EVERYTHING YOU NEED?**

Sitting on an airplane, Rick Faulkner, correctional program specialist with the National Institute of Corrections, could see from his vantage point the captain and the first officer as they systematically performed their pre-flight check. The fact that each of them probably had logged thousands of airborne hours in the cockpit was irrelevant. Their checklist eliminates the probability of either of them forgetting something important. What sometimes seems trivial at ground level may prove to be crucial at 30,000 feet, and the checklist ensures that all the bases are covered—even the potential for human error.

Later, Faulkner suggested to Jimmy Burgess, Training Officer for Virginia Adult Community Corrections, the idea of a “preflight checklist” for probation and parole officers: a systematic list of what officers should take into the field to ensure that they are ready to deal with dangerous situations. Officers might consider creating such a checklist because they will not have time to go back and get that special piece of safety equipment when the need arises.

## **CLANDESTINE METHAMPHETAMINE LABS**

A threat to officers, in both urban and rural environments, is the alarming growth of clandestine methamphetamine labs found in everything from homes to utility trailers. Because of the ease of making methamphetamine, labs are easy to construct. But they also are potentially deadly to officers who unknowingly come near one. How do officers know when they have found one? What are some signs that it may be present? The Drug Enforcement Administration and other drug task forces have listed the following signs that may indicate the presence of a lab:

- Strong chemical odors in the area and/or complaints from neighbors about strange smells coming from the property.

- Heavy fortification, such as bars on the windows.
- Suspicious auto traffic and visitors to the site.
- Chemical cans or drums in the yard.
- People leaving the building to smoke cigarettes.

Once an officer determines that it is a meth lab, the safest approach is to exit the area immediately, secure it, and contact the nearest law enforcement drug unit. When people enter the area, they must be aware of traps set to injure or kill intruders.

Those involved in the processing of the lab should follow fundamental rules of chemical safety to prevent injury, illness, and death (see “Safety rules for processing methamphetamine labs”).

## COMMUNICATIONS

Surveys in New York, Pennsylvania, Texas, and Virginia ranked two-way communications as a high priority for enhanced safety.<sup>94</sup> In many areas, a communications device is the only safety tool an officer has. The NAPE survey indicated that cellular telephones were the most common type of safety equipment issued to officers, with 83 percent of the

### *Safety rules for processing methamphetamine labs*

- Read and abide by all labels and warnings on chemical containers.
- Use all protective equipment available, such as gloves and protective air masks.
- Do not smoke or eat in or near the lab.
- Do not touch your eyes, nose, mouth, or other mucous membranes.
- If possible, summon a chemist to the scene to answer questions about the chemicals you have encountered and to point out hazardous conditions.
- Do not turn anything on or off. Even the minor friction of flipping a light switch can trigger an explosion of highly flammable chemicals used in meth labs, such as ether.
- Do not unplug anything. Again, friction or even the smallest electrical charge can trigger an explosion.
- Do not discharge firearms near a lab.
- Do not use tools that cause sparks or generate friction.
- When photographing evidence, do not use standard flashbulbs. Instead, use strobe flash equipment.
- Do not mix chemicals. Some mixtures can release dangerous gases or cause explosions.
- Do not taste, touch, or directly smell any substance.
- Make first aid kits, fire extinguishers, and medical assistance readily available.
- An officer who encounters a driver transporting possible meth lab materials should not smoke or allow the driver to smoke and neither one should touch or move the vehicle or the chemicals inside.

The presence of these items can indicate that a stopped vehicle may be carrying materials to or from a meth lab:

- Lab glassware.
- Mason jars.
- Heating elements.
- Drain openers.
- Red phosphorous.
- Denatured alcohol.
- Starter fluid.
- Hydrogen chloride.
- Muriatic hydrochloric acid.
- Anhydrous ammonia.
- Coleman fuel.

Watch for the names of these chemicals on containers. An important note about transporting chemicals from a meth lab: Be sure no chemicals are dripping on the tailpipe of the vehicle used for transport. When the tailpipe heats up and chemicals are on it, an explosion could easily occur.

responding agencies reporting their use. The survey also reported that police-type radios were used by 61 percent of responding agencies.<sup>95</sup>

*Understanding Wireless Communications in Public Safety*, a publication of the National Law Enforcement and Corrections Technology Center in the Rocky Mountain Region (NLECTC–Rocky Mountain),<sup>96</sup> addresses virtually every topic connected with selecting a communications system. It discusses planning, funding, purchasing the right equipment, wireless communications technology, characteristics of radio systems, the FBI National Crime and Information Center (NCIC) 2000 system,<sup>97</sup> and wireless data systems.

Decisions about portability, transmission, dispatch, and training must be made when selecting communications equipment.

### ***Portability***

Portability is a concern when considering the use of two-way radios or cellular telephones. Evaluations of field incidents have shown that a communications device mounted in the car is not as useful as a portable unit. Most hazardous situations take place on the street or in a residence.

### ***Transmission***

When deciding what type of communications equipment to purchase, an agency must first determine such issues as the frequency it will use, the type of terrain in which it will be used, and the distance to a repeater for broadcasting. Agencies should consider the weakest link regarding potential transmission problems and select a communications device that will meet that need. For example, many rural areas do not have coverage for cellular telephones. The main concern is to provide communication that is available when needed, including when the officer is not in the car.

### ***Dispatch***

Another consideration is with whom the officers will communicate. If radios are chosen, will the agency have its own base station and frequency or will it use another law enforcement dispatcher and frequency? If an agency has its own base station and frequency, radios can be used for many transmissions that would normally occur by telephone, such as from officer to office, and can include distress buttons.

The Pima County (Arizona) Adult Probation Department has its own dispatch facility, which includes mapping capabilities that record not only the location of officers but the residence location of offenders. The Yuma County (Arizona) Probation Office also has its own dispatch and requires that officers call in before every stop concerning an offender. Officers responded positively when they were asked during a ride-along what they thought about having to call in before each stop and clear with dispatch when they were through. Without exception, they did not mind calling in each time because they felt safer knowing that someone knew where they were.

Radios with scanning ability provide added safety benefits to officers. Officers can communicate with numerous agencies and also can monitor police communications, where approved. Radios with scanners help officers stay aware of safety issues in the community, such as gang activity, shootings, and other situations into which they might otherwise walk blindly. Officers working in rural areas can program their radios to communicate with, for example, forest service personnel or game wardens who may be available for emergency assistance when other law enforcement officials are not.

### ***Training***

Like any tool, radios and, to a lesser degree, cellular telephones require that personnel be

trained regarding their appropriate use, especially in stressful situations. Initially, many officers are reluctant to use communications devices, especially when they connect to a law enforcement agency. They can be intimidated by the speed of transmissions and codes that they hear. But like body armor, radios or telephones do no good if they are not used.

Training exercises should include the use of radios or cellular telephones to call for assistance or to report hazardous situations. Officers should practice being aware of their location or current address in case they need to call for assistance. When crises occur, officers do not have time to look for street signs.

In a review of an actual shooting involving police officers, one officer left cover, leaned into the police car while putting down his empty weapon, and used the car radio to call for assistance. The officer could have used the portable radio he was wearing. Its repeater unit made it just as effective as the car radio. Assistance calls should be covered as part of firearms and safety training.

## ELECTRONIC MONITORING

Electronic monitoring of offenders has brought new problems and concerns to the issue of field safety. In many jurisdictions, electronic monitoring of out-of-area signals requires an immediate response to an offender's residence. The offender knows he or she is in violation and that an officer is approaching. Others in the area, in addition to the offender, can also pose a threat (see "The perils of electronic monitoring").

When an electronic monitoring coordinator (EMC) is notified of a violation, every effort should be made to resolve the situation by telephone. The EMC calls the offender's home or alternate numbers, checks office answering machines that receive emergency calls, and contacts the telephone company

### ***The perils of electronic monitoring***

An offender pleaded guilty to the charge of possession with intent to distribute cocaine in federal court in Brooklyn, New York, and was convicted of purchasing kilo-size quantities of cocaine. As a result of his substantial assistance to the government and because he had no previous criminal record, he was placed on 5 years' probation with 6 months' home confinement under electronic monitoring. He was treated as a high-risk case with intensive supervision and was allowed to leave his home to go to work. He worked from 4:00 p.m. to midnight and usually arrived home between 1:15 and 1:30 a.m.

Officers had previously responded to the probationer's home on three occasions when the equipment indicated there were problems. They suspected that he may have continued his drug involvement while on probation.

At 12:30 one morning, two armed men entered his residence, tied up his wife, and left her in an upstairs bedroom. They also took the telephone off the hook. The probationer's brother-in-law and his girlfriend also arrived at the residence and were bound. At 1:30 a.m., the probationer arrived home and was met at the door by the armed men and not allowed to enter. The intruders asked if he had "the money" and, when he said no, they shot him several times and fled.

At 1:34 a.m., the monitoring center was alerted after a routine monitoring call determined that the phone was off the hook. The staff at the monitoring center attempted to remedy the problem for 30 minutes before paging the supervising probation officer, who did not immediately hear the page. When he later responded to the pager, the probation officer was told that the police were at the scene. The probation officer went to the scene, retrieved the monitoring unit from the home, and went to the morgue to remove the transmitter from the probationer's ankle.

If the probation officer had heard his pager initially, he would have called another officer and gone to the offender's home to determine the cause of the monitoring device signal. He might have walked in on the incident and become a victim himself.

to determine whether service has been interrupted for reasons beyond the control of the offender. If the EMC decides that it is an equipment problem and it is after hours, repair can usually wait until the next day.

If a home contact is needed, officers always have a backup, either another field corrections officer or local law enforcement. Whether responding alone or with a partner, an officer notifies a police dispatcher or someone who can summon assistance if the officer does not report within a given period of time.

In rural areas, a contact person or agency can check on the offender when distance makes immediate response by the probation or parole officer impractical. This may be local law enforcement, a neighbor, or another

person who is responsible enough to respond to the offender's home, day or night, and verify the offender's presence.

Important to any officer, but especially to an EMC, is the issue of his or her own telephone security. EMCs should consider the following security issues:

- Whether to be listed in the telephone book.
- If listed, whether to list only a name and telephone number—without an address.
- Whether caller ID is available in the area.
- If using caller ID, whether to block access to home numbers.

## Canine Considerations

Increasingly, more businesses and individuals, including offenders, are using dogs for protection. Because most offenders are prohibited from possessing firearms, dogs are becoming a more common means of protection. In various areas, some judges hearing probation cases are setting conditions of probation that prohibit offenders from living with a dog (see “Dogs as weapons”).

A Kansas officer who was forced to kill an attacking 130-pound rottweiler summarized his concerns: “A vicious dog doesn’t really care about your command presence, your uniform, or often even your weapon.” In fact, dogs are sometimes trained to attack at the sight of a firearm. As reflected in the hazardous duty statistics cited in a recent article from *Federal Probation*,<sup>98</sup> dogs are involved in one of the most common hazardous duty situations.

### **Dogs as weapons**

A New York City detective searching a social club for four drug suspects surprised four other occupants—three Doberman pinschers and a German shepherd.<sup>a</sup> The shepherd attacked and the detective shot him twice at point-blank range, but the dog’s gnashing jaws did not let up. Before the animal died, it had chewed the officer’s thigh, forearm, and knee.

a. Remsberg, Charles. 1992. *The Tactical Edge*. Northbrook, IL: Calibre Press, Inc.

A dog’s anatomy can offer strong resistance both to firearms and survival knives. The bony, sloping head may deflect or absorb rounds before they reach the brain. In a large dog, the carotid arteries are buried deep under muscle<sup>99</sup> and are hard to cut. The more easily reached jugular veins may not bleed out in time to prevent harm to the officer being attacked.

Corrections agencies should consider providing officers with the training and information necessary to understand canine behavior and respond appropriately in case of an attack (see “Techniques for avoiding dog bites”). The following resources for training can be found in most communities:

- Canine units within law enforcement agencies can provide information on handling dogs and may provide limited training.
- Military K-9 units can provide information on handling and training dogs.
- Humane societies usually provide information on handling dogs and offer obedience classes that can give some insight into dealing with potential dog attacks.

Several tactics are available for defending against a dog attack:

- Defense tactics: Because many community corrections officers do not carry sidearms, this option is probably the best.
- Chemical deterrents: Law enforcement and probation agencies report that OC (pepper spray) is effective in deterring dog attacks.

- Sidearms: Despite the handicaps, a sidearm may ultimately be the most effective defense in stopping an attack, especially at distances where OC spray is not effective. With large, savage dogs, it may take several body shots to be effective. When firearms are used, however, issues such as ricocheting bullets, trajectory, and penetration need to be considered.

Given the increased frequency of dog attacks, officers should receive information on handling them as part of a safety training program. Community corrections officers should, at a minimum, know how to work in support of a K-9 unit. Lack of familiarity and training can diminish the effective use of dogs in searches, as well as endanger the officer.

## PRESERVING THE SCENE

Community corrections officers across the country often have been faced with the need to use force to protect themselves. Officers should preserve the scene and protect themselves both physically and legally by—

- Securing all weapons.
- Securing the scene.
- Contacting medical authorities.
- Contacting their agency.
- Contacting local law enforcement.
- Limiting their initial statement (for their own protection) to the following: “My name is [name of officer]. I am a [name of

### *Techniques for avoiding dog bites*

- Recognize that any dog is a potential biter.
- Look for signs of a dog’s presence before entering a yard or residence.
- Do not surprise a dog. Try—
  - Whistling.
  - Tapping on a fence or other object.
  - Calling out.
- Approach the dog by—
  - Taking off sunglasses.
  - Standing still and letting the dog approach.
  - Standing sideways.
  - Speaking softly.
  - Not staring at the dog.
  - Observing the dog’s body language.
- Protect yourself by—
  - Not turning your back on the dog.
  - Commanding the dog in a firm voice to sit or stay if he acts threatening.
  - Letting the dog bite something in your hand rather than you.
  - Not running, unless you think you can beat the dog to the exit.
- Defend against a dog attack by—
  - Maintaining a side position to the attack.
  - Yelling to both attract assistance and startle the dog.
  - Shielding your neck and face with your arm.
  - Extending your arm as a target and retracting it at the last possible moment when the dog is in the air.
  - Trying to knee the dog in the chest or deliver a hard kick.
  - Offering the dog a notebook or other article on which it can concentrate to buy time to escape.
  - Knowing the parts of a dog that are vulnerable to blows: the nose, throat, and rib cage.

*Source: Personal Development Consultants. 1995. Personal Safety Training Manual. Tacoma, WA: Personal Development Consultants.*

agency] probation/parole officer. There has been a [describe the use of force; e.g., use of pepper spray, shooting, injury] at [location]. I have nothing more to say until I have contacted [agency legal counsel].”

The probation/parole agency should also have a plan detailing the following:

- Who will respond to the scene.
- Who will respond to questions from the media?
- Who will contact family members to advise them of the officer’s status before

they hear it on the news (even if the officer is not injured).

- Who will take family members to the hospital if an officer is injured.
- Who will be assigned to stay with the officer after the incident until (and, if need be, after) he or she gets home.

How the agency deals with officers involved in use-of-force incidents has a great impact not only on the officers involved and their families but also on the office as a whole.

# Scenario Training

Scenario training, or safety simulation training, is a comprehensive approach to safety training that developed as a continuation of previously offered lecture and interactive training packages. A quality scenario training program provides practical safety training on issues relevant to the participants. It also gives agencies the opportunity for an ongoing dialog among all parties regarding safety issues and continued safety training development.

Regardless of how much classroom training officers have received, one of the best measures of their learning is whether they can apply what they have learned to the real world. This does not minimize the importance of what takes place in the classroom. On the contrary, it is critical to the success of any scenario-based program to thoroughly explain and discuss concepts so that students have a framework to assess a situation, decide on a course of action, and act. The concepts that are described in an academic setting must be applied in a practical setting and with a dynamic approach. Scenario training aims to—

- Create as realistic a setting as possible for each scenario.
- Strive to create win-win situations to facilitate learning.
- Constructively critique performance without being judgmental.

## CREATE A REALISTIC SETTING

The realistic setting can be as elaborate or simple as the trainers want it to be. The main objective is to create realism while being concerned with safety issues (see “Simple, fatal carelessness”).

Creating a realistic setting allows both officers and trainers to get a true reading on how an officer might respond in an actual

### *Simple, fatal carelessness*

On June 27, 1996, probation officer David Seymour was assisting local law enforcement with scenario training. The officers were using their duty weapons, which had been unloaded. The training was taking place outdoors, and when it began to rain they decided to stop. The officers loaded their weapons to return to work. While they were getting ready to leave, the weather broke, and they decided to continue the training and act out another scenario.

David played the role of an assailant during a traffic stop. As he got out of the car and came at the officer, the officer drew his weapon and fired. He had failed to unload his weapon again after the training resumed. David died from a gunshot wound to the chest. Safety cannot be stressed enough.

situation. The realistic setting also creates a certain amount of stress for the officers, which is also a realistic and desirable response.

When conducting scenario-based programs, the degree of realism experienced depends on three factors: the setting, the actors used in the scenarios, and the officer-participants.

### ***The Setting***

Although the physical setting for the scenarios does not need to be elaborate, it is helpful to include enough props to give the appearance of realism. If the setting is an offender's home, obtain furniture that can be found in a home. The main issue is to create a setting that resembles the officer's work environment, whether it is an office, residence, or another location in the community.

### ***The Actors***

Many law enforcement and community corrections agencies that have conducted scenario-based training use other officers, preferably not known to the participants, as role players for these programs. Other officers understand the purpose behind this type of training and, because they have a frame of reference for the type of situations depicted, they can usually bring a good deal of realism to the role. Trainers should be alert, however, to several concerns that need to be addressed when selecting actors for these programs.

One of the most important points to convey to anyone who will be playing a role during the exercises is that they are also trainers. This means that their ultimate goal is to contribute to the officers' learning. They should not embarrass or humiliate anyone. This is not the time for role players to show off their knowledge and expertise at the expense of participants.

### ***The Officer-Participants***

Scenario-based training can create a fairly high level of anxiety for some participants. This anxiety can be displayed in many ways. Some may refuse to participate. Others may participate but not take the training seriously. Still others who participate may be so overcome with anxiety about the training that they may make mistakes in the exercises they otherwise would not make. Trainers must prepare to deal with these and other possible outcomes when they undertake simulation training. Participants must be allowed to conduct themselves during an exercise without any coaching from the trainers. It is the trainer's responsibility to sit back, observe, and critique at the end of the simulation. It is also the trainer's responsibility to ensure that no one is injured during the exercises. If the situation "gets out of hand," the trainer must step in and stop the action.

Trainers should also be alert for any officers who may seem to be strongly affected by a scenario. Should an officer make a mistake during an exercise that, in a real-life situation, would result in an injury or a hostage situation or would turn fatal, the trainer should make a note to review what happened with the officer and make certain that his or her self-confidence has not been shaken.

At the end of each exercise, trainers should make sure that they have identified all of the positive, not just negative, behaviors displayed by the officers. The purpose of the scenario training is to reinforce the information discussed in the lecture. If a trainer emphasizes the negative, that is what the officer will remember.

Scenario-based trainers must understand that their role is different from that needed for more traditional training. They, of course, must be subject-matter experts so that they

can teach on a given area at a moment's notice and do it unscripted. They also must know how to provide constructive feedback and be able to "think on their feet."

## STRIVE FOR WIN-WIN SITUATIONS

Sometimes people assume that striving for win-win situations means that simulations should be designed to ensure success. This, they argue, is not realistic. Guaranteed success is not, however, what this goal implies (see "A

widow talks about safety"). Simulations that are win-win situations simply have built-in opportunities for the officer to succeed. Few would argue that the chance for a successful outcome exists in almost any situation an officer could encounter, so why not build this characteristic into the exercises? It would be a mistake to design a scenario that guarantees success; it would likewise be a mistake to design a simulation that guarantees failure. Either condition interferes with learning and defeats the purpose of scenario training.

### *A widow talks about safety*

*On September 22, 1986, U.S. Probation Officer Tom Gahl was shot to death by a probationer while attempting a home contact. His death, like many assaults and killings of field corrections personnel, came without warning. Tom's wife, Nancy, shares her thoughts about her family's loss.*

My husband was the first United States Probation Officer to be killed in the line of duty by an offender. He was only 38 years old, had two boys, 4 and 8, whom he dearly loved, and was the president of our church congregation, a Little League coach, and an active civic volunteer. He had every reason to live, yet on the morning of September 22, 1986, he was shot twice in the head with a sawed-off shotgun, and our lives were changed forever.

Tom was a very conscientious, thorough probation officer who loved his family too much to take chances. On occasion, he had taken a U.S. Marshal with him if he felt he would be in a threatening situation. But on the morning of the 22nd he was going to do a routine urinalysis and was shot before any reasoning or weapon could have saved him.

No one knows better than today's probation officer how much violence pervades our society, and we realize that no one is immune from it. With routine home contacts and regular time spent in the field, the officer may be faced often with potentially life-threatening situations. I believe that the value and importance of staff safety training can't be overstated. Learning to deal with mentally ill patients, drug users, and all other violent crime offenders may

enable the officer to anticipate perilous situations and respond with appropriate action. Although I don't think that this could have prevented Tom's death, if it saves the life of just one other probation officer, it is well worth all the time and effort.

Knowing the fears that have at times consumed and paralyzed our family because of our tragedy, and realizing that probation officers may be living with these same fears daily, I would hope that crisis counseling would be available for officers who have experienced a threat or a loss, or who are trying to cope with the everyday stress of the job.

At the time of Tom's death, probation officers from across the country, including Puerto Rico and the Virgin Islands, responded to us with an overwhelming outpouring of compassion and concern. I am glad to have this opportunity to thank you once again for all of your love, your prayers, and your generous contributions to the boys' fund. That was not a one-time happening for us, for it has never been forgotten, and your genuine concern has comforted us and sustained us through the years. Occasionally we re-read your letters and we see your names, and we continue to feel a part of the larger family of probation officers. You have given us good memories, and we thank you for that.

It is our fervent hope that none of you will have to suffer the tragedy that we did, and we pray that God continues to keep all of you in His safekeeping.

Many blessings to you,  
Nancy Gahl

It also is easy for trainers to design situations that are not realistic. In one program, trainers got carried away and had “bad guys” coming out of manhole covers.

## **CONSTRUCTIVELY CRITIQUE PERFORMANCE**

Trainers should know how to highlight the positive aspects of someone’s performance and comment on the negative aspects in a positive way. Providing constructive feedback also means that the trainer should be able to fully explain why a particular response was positive or negative. This means that trainers must work through as many of these issues ahead of time as they can, striving for clarity of thought and purpose. If it is not clear to the trainers why a certain response would be effective or ineffective, how can it be clearly articulated to the participants?

Videotaping can be a key element for successful scenario training. Immediate playback

of videotaped training allows the trainer to provide instant review and feedback to the participants while the simulation is fresh in everyone’s minds. The old adage that cameras do not lie is especially true and helpful in this situation, as many of the participants will have experienced the auditory and visual focusing and other distortions common to all in stressful situations. By use of videotaping, the trainer can minimize the excuses for ineffective performance and allow effective self-analysis.

Scenario training provides effective, realistic safety training in a controlled environment, which maximizes learning potential. It also helps meet the legal challenges that dictate that lecture-type training is not enough when issues of performance under stress are involved. Agencies can develop training that is specific to their needs and best helps participants retain their skills.

## A Critical Incident Program

Each day thousands of probation, parole, and community corrections officers travel the streets and highways of our nation and its territories to conduct investigations and enforce conditions of supervision. It should not be a surprise to anyone working in the field of community corrections that the possibility of one day being confronted with a hazardous duty encounter might become a reality. Officers should ask themselves whether they are prepared for the encounter. The likelihood of surviving a critical incident is quite good, particularly in view of the large number of reported incidents each year. But those who are not in top shape, therefore not prepared for a life-altering encounter, may one day find themselves at the mercy of another person—or animal. How can they help themselves recover from a critical incident? Who will take care of them? This final chapter provides both officers and managers with information essential to processing critical incidents and helping victims recapture a normal life following critical incidents.

### WHAT IS A CRITICAL INCIDENT?

Many agencies have developed crisis intervention programs in response to critical incidents or in preparation for the likelihood of a critical incident. An event becomes a critical incident when an individual's emotional defenses rapidly break down, overwhelming the individual's ability to cope and respond

to the incident.<sup>100</sup> The inability to respond may also affect the home environment.

### COMMON SYMPTOMS

Following a traumatic incident, the victim officer may experience symptoms that affect the cognitive, physical, emotional, and behavioral aspects of normal functioning. The officer may become confused in his thinking or have difficulty making decisions (cognitive symptoms). He may sweat excessively, have dizzy spells, or experience an increased heart rate and rapid breathing (physical symptoms). He may feel angry, depressed, hopeless, or helpless (emotional symptoms). He also may undergo changes in eating habits, become careless about personal hygiene, or withdraw from others (behavioral symptoms).

It is important for the organization and fellow officers to recognize the early warning signs when a victim officer appears unable to regain control over his life. Flashbacks, traumatic dreams, memory disturbances, persistent recollections of the trauma, self-medication with drugs and alcohol, anger, irritability, hostility, panic attacks, persistent depression, and withdrawal are signs that professional intervention may be needed.<sup>101</sup>

In any crisis situation, these signs and symptoms are normal reactions to an abnormal situation. Helping people regain normal functioning strengthens their efforts to recover from a traumatic incident.

## CRITICAL INCIDENT STRESS MANAGEMENT

Critical incident stress management (CISM) is a comprehensive, organized approach to reducing and controlling the harmful aspects of stress related to crises and disasters.<sup>102</sup>

CISM aims to maintain health and productivity, prevent and mitigate the effects of stress, restore the person's normal functioning, facilitate a speedy recovery from stress, and enhance the overall environment in which the person works and lives. Support of personnel within an organization, from line staff to top management, is a key component of a successful CISM approach to a critical incident and should be a matter of accepted policy within the organization.

Such a network of resources helps the individual focus on recovery and allays the fear associated with losing control over his or her life. For example, if an employee has difficulty returning to the office where an incident took place, management can offer flexible work hours or an alternative office location. Coworkers can help the employee with household chores, childcare, or work assignments. By working together, management and coworkers can have a significant impact on how quickly victimized employees regain their productivity.

A comprehensive CISM program incorporates the processes of debriefing, defusing, and demobilization.

### Debriefing

Critical incident stress debriefing (CISD) and defusing use group meetings to discuss a traumatic event or series of traumatic events. Both processes are solidly based in crisis and educational intervention theory. They are designed to mitigate the psychological impact of a traumatic event, prevent the subsequent development of a posttraumatic stress syndrome, and identify early on individuals who will require professional mental health services following a traumatic event.

A person's 2- to 3-hour CISD experience starts with his or her rational examination of the trauma (the introduction and fact stages) and moves through cognitive to emotional reactions (the thought stage). It continues with a strong emotional reaction (the reaction stage) and then a transition stage (the symptom stage) to coping and closure (teaching and reentry stages).

The formal CISD process is a seven-stage intervention (see "The critical incident stress debriefing process").

### *The critical incident stress debriefing process*

Stage	Objective
1. Introduction	To introduce intervention team members, explain the process, and set expectations.
2. Fact	To describe the traumatic event from each participant's perspective on a cognitive level.
3. Thought	To allow participants to describe cognitive reactions and move to emotional reactions.
4. Reaction	To identify the most traumatic aspect of the event for the participants and describe emotional reactions.
5. Symptom	To identify personal symptoms of distress and move back to the cognitive level.
6. Teaching	To educate about normal reactions and coping mechanisms, such as stress management, and to provide a rational basis for actions.
7. Reentry	To clarify ambiguities and prepare for termination.

A debriefing is a structured discussion of the traumatic event and does not substitute for therapy. The goals of a debriefing are to lessen the impact of the event and accelerate normal recovery processes in people who are experiencing normal reactions to abnormal events. Both peer support and the mental health perspective are essential to the success of a debriefing. The presence of a mental health professional is required and all team members must be trained in CISD regardless of background and other types of training.

### **Defusing**

A defusing is a shortened version of a debriefing. Usually 20 to 45 minutes in length, a defusing is best applied within 8 hours (if possible, within 1–2 hours) of an incident. A defusing mitigates the impact of the event, accelerates the recovery process, and reduces cognitive, emotional, and physiological symptoms. It also helps determine the need for debriefings and other services.

The components of a defusing include the following:

**Introduction.** The facilitator introduces the team, states the purpose and goals of the defusing, sets the rules including those on confidentiality, and describes the process. He or she also motivates members to participate in and finish the process, offers additional support, and makes it clear that the process is not investigative.

**Exploration.** The facilitator asks participants to describe the critical incident, express their experiences and reactions, and assess their need for more help. The facilitator also reassures participants, as necessary.

**Information.** The facilitator accepts and summarizes the participant's explorations; explains that they are normal reactions; teaches survival skills for dealing with stress; discusses a good diet and recommends

avoiding substances like alcohol; and emphasizes the value of resting and enjoying family life, recreation, and exercise.

### **Demobilization**

A 30-minute demobilization offers large work teams (more than 100 personnel) rest and information immediately after they have been released from a major incident and before they return to their normal duties. It serves a secondary function as a screening opportunity to ensure that individuals who may need assistance are identified early after the traumatic event. Customarily, a CISD team member leads a 10-minute information session, followed by 20 minutes for food and rest. The most recent examples of large-scale demobilization followed the attacks on September 11, 2001, in New York City and at the Pentagon.

## **PROCEDURES FOR ESTABLISHING CISD TEAMS**

The first step is to determine the need for a team. If the number of major events that had a serious emotional impact on personnel in the past 5 years averages five or more a year, a team is probably needed. Fewer than five events a year can probably be handled by a regionally based team. If a CISD team is needed, the following procedure should be considered.

- Gain support from the administration to investigate the need for a team in the administration area. If the chief administrator can be convinced to support a team, it will be easier to put together.
- Talk to local mental health professionals and determine whether they are interested in this type of community service project.
- Form a task force of peer support personnel and mental health professionals to develop the team.

- Gather information about CISD team development and learn what other communities have done. Try to avoid reinventing the CISD wheel.
- Solicit financial support from agencies and the private sector to cover the costs of training the team.
- Send out applications for team membership. (Several states already have an application process. Review theirs and see if it fits your needs.) Separate professional and peer support applications may be necessary.
- Review applications and select individuals who have the best potential to work on the team. Do not promise anyone a place on the team until initial training is complete.
- Arrange for training of the team. (Sometimes this is done much earlier in the process to ensure timely startup of the team.)
- Provide a minimum of 2 days of training identical to the training provided to the other CISD teams.
- Establish leadership on the team.
- Develop written operating procedures for the team.
- Continue to train the newly formed team with items not covered in the initial training.
- Hold regular team meetings to maintain interest and ensure proper dissemination of information.

- Review CISD incidents to determine the need for improvement.

As with any process, how the elements are applied may have an impact on the success or failure of the intended goals. The International Critical Incident Stress Foundation offers explanations for the failure of a CISM response (see “The top 10 reasons a CISM response fails”).

## PRE-INCIDENT EDUCATION

Creating awareness among management of the need for intervention is the first step in negating many harmful effects of a critical incident. Educating management and developing a critical incident action plan as a pre-incident guide will undoubtedly save considerable time and trouble if an incident occurs in the organization. Educating employees on the value of intervention will lessen their apprehension about participating in the CISM process. Developing procedures to activate the intervention and identifying support services in the organization and community also expedites the decisionmaking process if the agency experiences a critical incident.

A model protocol for critical incident and death notification was developed by Ronald Schweer, Deputy Chief U.S. Probation Officer for the Eastern District of Missouri in St. Louis (see appendix A). It can be modified to meet the needs of a particular agency.

## *The top 10 reasons a CISM response fails*

10. Acting or speaking insensitively. Showing respect and concern in a bad situation builds trust and an atmosphere of open communications, which sets the stage for successful interaction.
9. Breaking confidentiality. To break confidentiality implies a violation of a trust. To speak openly or in secret with others who are not directly related to the incident can easily make the victim officer feel abandoned and angry. However, confidentiality is not absolute. If something is said in confidence that presents a risk to anyone and may be litigated, the CISM team leader must make it clear that litigation—and therefore disclosure—is possible. A successful intervention can be conducted if the team leader keeps the group focused on the process rather than assessing blame.
8. Not identifying when followup is needed. Those involved in a critical incident experience varying degrees of emotional responses that may require a followup referral for additional assistance. Failing to identify the need for additional assistance for a victim officer, and thus not providing it, presents both a moral and ethical dilemma that can result in disaster.
7. Failing to make a referral when it is needed. The victim officer needs to know what services are available, how long they are available (e.g., the number of visits to a treatment provider paid by the agency), and the confidentiality of services.
6. Not working the process from cognitive to affective and back to cognitive. The CISM technique is a sequential process. Changing the order of the elements or omitting an element derails this process and reduces the chance of success in helping participants return to some degree of normal living.
5. Using responders untrained in CISM. Like any profession, training is an essential element toward development and growth. Using untrained responders could easily impede the CISM process and cause irreparable harm in an atmosphere where the lessening of pain and suffering is a primary concern.
4. Not using mental health professionals in a debriefing. Mental health professionals are trained to recognize specific signs, symptoms, and behaviors exhibited by individuals traumatized by a critical incident. A mental health professional can determine whether further intervention is necessary and expedite a referral to an appropriate resource following the debriefing.
3. Not using peers for emergency, hospital, military, or other operational groups. CISM teams have been part of emergency medical services, hospitals, the military, and law enforcement for many years. These teams include peers from within the profession, combined with mental health professionals who have a working knowledge of operational groups. Community corrections professionals know the expectations, stressors, and dangers associated with assigned duties and responsibilities in their field. Using community corrections peers who are trained in CISM helps participants work through the debriefing process and facilitates recovery.
2. Not taking time to learn about the situation. Like taking a test without being prepared, walking into a debriefing without knowing the facts of the critical incident results in failure. Members of the CISM team should take time to find out what happened, who was involved, and the level or exposure experienced by the participants. Easing into the situation will allow the CISM team to better understand the emotions and reactions exhibited by the participants in a debriefing. Doing homework can pay dividends in processing the situation and helping participants work through the effects of a traumatic event.
1. Turning CISM into psychotherapy. The most profound mistake made in the CISM process is turning it into something it is not. The CISM process is not psychotherapy and should not be treated as such. If a victim officer or CISM participant exhibits behaviors that imply a need for the services of a therapist, the team leader—in cooperation with management within the organization—should ensure this is done.

## Final Thoughts

*That which can be foreseen can be prevented.*

—Dr. Charles H. Mayo, circa 1928

Establishing a safe office and overall working environment appears to be a daunting task. But many fellow probation and parole professionals have already created this wheel. Individual agencies simply need to select the one that works best for them.

It is the job of administrators, middle managers, line officers, and support staff to evaluate their own working environments and

determine what needs to be done in their agencies. The resource individuals and agencies listed in this document and the authors stand ready to answer your questions and provide assistance.

As Vice President Dick Cheney stated after the terrorist attacks of September 11, 2001, “It’s not a question of if, but when.” There will be more assaults on officers and staff, and more officers will give their lives in the line of duty. It is everyone’s job to keep those numbers as low as possible by being proactive—not reactive.

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# Appendix A.

## Model Protocol for Critical Incident and Death Notification

### A. PROTOCOL FOR CRITICAL INCIDENT AND DEATH NOTIFICATION

#### I. Purpose

The purpose of this protocol is to establish procedures that will ensure the proper support and emotional care for an employee's family following a line-of-duty death, on-duty death, serious injury, or critical incident.

#### II. Protocol

It is the protocol of the (name of agency) to provide liaison assistance to the immediate family of a staff member who is involved in a critical incident, on-duty death, or line-of-duty death. The agency also provides clarification and notification of benefits to victims, family members, and other staff members.

#### III. Discussion

Coordination of events following the line-of-duty death, on-duty death, or critical incident is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the employee's survivors and to the staff. In order to provide the best possible services and support for the employee's family, specific tasks may be assigned to selected members of the office. Their titles are notification officer, family liaison

officer, department liaison, officer, and benefits coordinator.

An explanation of each of these responsibilities follows. An employee may be called on to perform more than one role and does not necessarily need to be an officer.

This protocol is based on guidelines suggested in the handbook, "Support Services to Surviving Families of Line of Duty Deaths," by Suzanne F. Sawyer, the Executive Director of Concerns of Police Survivors, Inc. (C.O.P.S.), located in Camdenton, Missouri. Her telephone number is 573-346-4911.

#### IV. Procedures and Responsibilities

##### A. Notification Officer

1. It shall be the responsibility of the management team to properly notify the next of kin of an employee who has suffered severe injuries or is dead. If at all possible, notification should be done by the designated person as noted on the notification form previously completed by the employee.
2. The name of the severely injured or deceased employee *must never* be released by the agency before the immediate family is notified.
3. If there is knowledge of a medical problem with an immediate survivor, medical

personnel should be available at the residence to coincide with the notification.

4. Notification *must always* be made in person and never alone. The chief, clergy, close friend, or other staff member could appropriately accompany the notification officer. However, if the aforementioned persons are not readily accessible, notification should not be delayed until these people can gather. If there is an opportunity to get to the hospital prior to the demise of the employee, *do not* wait for the delegation to gather. The family should learn of the death from the office first, not from the press or other sources. If immediate survivors are from out of town, a request for a personal death notification from the public safety agency in that area should be completed.

5. *Never* make a death notification on the doorstep. Ask to be admitted to the house. Inform family members slowly and clearly of the information that you have. If specific details of the incident are known, the notification officer should relay as much information as possible to the family. Be sure to use the employee's name during the notification.

If the employee has died, relay that information. Never give the family a false sense of hope. Use such words as "died" and "dead" rather than "gone away" or "passed away."

6. If the family requests to visit the hospital, they should be transported, by the notification officer. It is highly recommended that the family *not* drive themselves to the hospital. If the family insists on driving, an employee should accompany them in the family car.

7. If young children are at home, the notification officer must arrange for babysitting needs. This may involve enlisting coworkers' spouses, transporting children to a relative's home, or a similar arrangement.

8. Prior to departing for the hospital, the notification officer should notify the hospital staff that a family members are en route.

9. The deceased or severely injured employee's parents should also be afforded the courtesy of personal notification if they live in the same geographic area. If the parents are from out of town, a request for a personal death notification from the public safety agency in that area should be completed.

10. The chief, deputy chief, or supervisor should go to the residence or the hospital to meet with the family as quickly as possible.

### ***B. Assistance for Affected Staff***

1. Employees who were present or who arrived moments after an employee was critically injured or died should be relieved of duty or removed from the situation as quickly as possible.

2. All staff who may have been emotionally affected by the serious injury, death, or critical incident will attend a critical incident stress defusing and/or debriefing held by a trained mental health professional or debriefing team.

### ***C. Support of the Family During the Wake and Funeral***

1. A member of the management team will meet with the employee's family at their home or other location set by the family to determine their wishes regarding the agency's participation in the preparation of the funeral or memorial services. All possible assistance will be rendered by the agency.

2. The family will be advised by the chief as to who will be the department liaison officer and benefits coordinator.

### ***D. Family Liaison Officer***

1. The selection of a family liaison officer is a critical assignment. An attempt should be made to assign the staff member designated on the employee's notification form. This is typically someone who had a close relationship with the employee and his family.

2. This is not a decisionmaking position; rather, this is a role of facilitator between the family and the office.

3. The responsibilities of the family liaison officer include the following:

- a. Ensure that the needs of the family come before the wishes of the agency.
- b. Assist the family with funeral arrangements and make them aware of what the agency can offer.
- c. Apprise the family of information concerning the death and the continuing investigation.
- d. Provide as much assistance as possible, including overseeing travel and lodging arrangements for out-of-town family members, arranging for food for the family, and meeting child care and transportation needs.
- e. Be constantly available to the family.
- f. Notify Concerns of Police Survivors (C.O.P.S.), whose members are available to provide emotional support to surviving families (telephone: 573-346-4911).
- g. Carry a pager and/or cellular telephone at all times.

#### ***E. Department Liaison Officer***

1. This position is normally assigned to a supervisor because of the need to effectively coordinate resources throughout the agency.

2. The responsibilities of the department liaison officer include the following:

- a. Work closely with the family liaison officer to ensure that the needs of the family are fulfilled.
- b. Help the chief, who is the designated media contact person, handle the news media. This includes “screening” questions

presented to the family so as not to jeopardize subsequent legal proceedings.

3. In the case of a critical incident or injury, the department liaison officer shall—

- a. Assign another employee to be with the involved staff member at all times.
- b. Provide a portable cellular telephone to the employee.
- c. Provide all affected staff members with a critical incident defusing and/or debriefing and followup referral for services as needed.
- d. Provide the chief with a status report on the affected employee to help the chief prepare before making a telephone call to the employee or employee’s family.
- e. Coordinate a briefing by the chief to all staff to provide as much information as possible about the incident.

4. In the case of a line-of-duty death, the department liaison officer shall—

- a. Obtain an American flag. If the family wishes to have a flag presentation by the chief, notify the chief’s office.
- b. Arrange for the delivery of the employee’s personal belongings to the family in an appropriate container and at a time approved by the family.
- c. Brief the chief and staff concerning all funeral arrangements.
- d. Ensure that surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession.
- e. Assign an officer to remain at the family home during the wake and funeral.
- f. Maintain a roster of all districts and departments sending personnel to the

funeral and include the following information:

- Name and address of the responding agency.
- Name of the agency head.
- Number of officers attending.
- Number of officers attending the reception after the funeral.
- Number of vehicles.

g. Assist in making the necessary accommodations for food and lodging.

h. Acknowledge visiting and assisting departments.

i. Arrange for routine residence checks by staff members and particularly local law enforcement of the survivor's home for 6 to 8 weeks following the funeral. This service is necessary because large amounts of money will pass through the residence and the survivors will spend much time away from the home dealing with legal matters.

#### ***F. Benefits Coordinator***

1. The benefits coordinator (or human resources specialist) gathers information on all benefits and funeral payments available to the family. The benefits coordinator has the agency's full support to fulfill this responsibility to the survivors and is responsible for filing the appropriate benefit paperwork and following through with the family to ensure that these benefits are received.

2. The responsibilities of the benefits coordinator include the following:

- a. File Worker's Compensation claims and related paperwork.
- b. Contact the appropriate individuals at the administrative office without delay to ensure that the beneficiary receives death

and retirement benefits, the employee's remaining paychecks, and payment for the employee's remaining annual and compensatory time.

c. Gather information on all benefits and funeral payments that are available to the family.

d. Prepare a printout of the various benefits and funeral payments that are due to the family, listing named beneficiaries, contacts at various benefits offices, and when they can expect to receive payment.

e. Meet with the surviving family several days after the funeral to discuss the benefits they will receive. Give a copy of the prepared printout and any other related paperwork to the family at this time.

(1) If there are surviving children from a former marriage, the guardian of those children should also receive a printout of the benefits the children may receive.

(2) Attention should be given to the revocation of health benefits. The majority of health benefit providers allow a 30-day grace period before canceling or imposing monthly payments on survivors.

f. Meet with the family monthly for the next 6 months to make sure that they are receiving benefits.

g. For a line-of-duty death, the benefits coordinator files the necessary papers with the Bureau of Justice Assistance, U.S. Department of Justice, in accordance with the Public Safety Officers' Benefits Act.

#### ***G. Continued Support for the Family***

1. Members of the agency must remain sensitive to the needs of the survivors long after

the employee's death. The grief process has no timetable and survivors may develop a complicated grief process. More than half of surviving spouses can be expected to develop a posttraumatic stress reaction to the tragedy.

2. To help survivors continue to feel a part of the "community corrections family," they should be invited to agency activities.

3. Members of the office staff are encouraged to keep in touch with the family. Close friends, coworkers, and officials should arrange with the family to visit the home from time to time as long as the family expresses a desire to continue these contacts.

4. The chief should observe the employee's death date with a short note to the family and/or flowers on the grave.

5. Holidays may be especially difficult for the family, particularly if small children are involved. Increased contact with the survivors and additional support is important at these times.

6. The family liaison ensures that close contact is maintained between the office and the survivors and that their needs are met for as long as they feel the need for support.

7. If no court proceedings surround the circumstances of the officer's death, the family liaison relays all details of the incident to the family at the earliest opportunity.

8. If criminal violations surround the death, the family liaison should:

a. Inform the family of all new developments prior to a press release.

b. Keep the family apprised of legal and parole proceedings.

c. Introduce the family to victim assistance specialists of the court.

d. Encourage the family to attend the trial and accompany them whenever possible to the court hearing and trial.

e. Arrange for investigators to meet with the family at the earliest opportunity following the trial to answer all their questions.

# CONFIDENTIAL CRITICAL INCIDENT, SERIOUS INJURY, OR DEATH NOTIFICATION FORM

Name: \_\_\_\_\_  
Last First Middle

The information you provide on this form will be used only in the event of a critical incident or your serious injury or death. Please take the time to fill it out accurately because the information you provide will be of great comfort to your family and the staff in fulfilling your wishes.

Home address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Home telephone number: (\_\_\_\_) \_\_\_\_\_

Alternate telephone number: (\_\_\_\_) \_\_\_\_\_

## Family Information

Spouse's name: \_\_\_\_\_

Address and telephone number if different from above: \_\_\_\_\_

Spouse's employer: \_\_\_\_\_

Work address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Spouse's supervisor: \_\_\_\_\_

## I choose not to provide any information on this form.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Names and date of birth of children (DOB):

1. \_\_\_\_\_ DOB: \_\_\_\_\_

School or daycare: \_\_\_\_\_

Telephone number: \_\_\_\_\_

2. \_\_\_\_\_ DOB: \_\_\_\_\_

School or daycare: \_\_\_\_\_

Telephone number: \_\_\_\_\_

3. \_\_\_\_\_ DOB: \_\_\_\_\_

School or daycare: \_\_\_\_\_

Telephone number: \_\_\_\_\_

4. \_\_\_\_\_ DOB: \_\_\_\_\_  
School or daycare: \_\_\_\_\_  
Telephone number: \_\_\_\_\_

5. \_\_\_\_\_ DOB: \_\_\_\_\_  
School or daycare: \_\_\_\_\_  
Telephone number: \_\_\_\_\_

If you have been divorced, do you want an office representative to contact your ex-spouse(s)?

( ) Yes ( ) No

If so, please provide information about your ex-spouse(s).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone: Home (\_\_\_\_) \_\_\_\_\_ Work (\_\_\_\_) \_\_\_\_\_

Please list the names, addresses, and telephone numbers of your children who live outside the family home and key relatives (parents, siblings, in-laws, etc.) below:

1. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

2. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

3. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

4. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

5. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

6. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

### Notifications

Please list the persons you would like an office representative to contact in the event of your serious injury or death while on duty. Begin with the first person you would like notified.

1. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

2. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

3. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

4. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

5. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

6. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

Is there anyone you would like to accompany the notification officer when your immediate family is notified? If you name someone other than a coworker, please include his or her address and telephone number.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

Is there anyone not listed above who you would like contacted to assist your family or to assist with funeral arrangements or related matters? This person should be knowledgeable concerning matters such as your life insurance representative and the location of your will.

- 1. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_
- 2. Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_

Please list members of your family who have health concerns that the office should be aware of:

- Name: \_\_\_\_\_ Health concern: \_\_\_\_\_
- 1. \_\_\_\_\_
  - 2. \_\_\_\_\_

**Additional Information**

Please list any preferences you may have regarding funeral arrangements:

- Funeral home: \_\_\_\_\_
- Church or synagogue: \_\_\_\_\_
- Cemetery: \_\_\_\_\_

Are there any special requests or directions you would like followed upon your death?

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**Preferences for Staff Assistance**

Please indicate your preferences in assigning staff to the following positions in the event of your involvement in a critical incident:

Notification Officer:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

Family Liaison Officer:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Initials: \_\_\_\_\_ Reviewed/updated date: \_\_\_\_\_

## Appendix B.

# Helpful Hints on Personal Security

### RESIDENTIAL ADDRESS AND RESIDENTIAL TELEPHONE NUMBER

1. On personal checks, use a post office box address or business address and a business telephone number.
2. Request that your residential telephone number be *unpublished* (not printed in the directory and not available from directory assistance) or *unlisted* (not printed in the directory but available from directory assistance). CD-ROMs that contain nationwide listings of telephone directories are readily and cheaply available, and nationwide directories are posted on the Internet. If your telephone number and address are in a directory, they are widely available.
3. Do not complete forms that request your street address for a commercially published directory other than a telephone book.
4. Avoid ordering products or services by telephone. If you do, inform the merchant that you do not want your name, address, and telephone number given to others. Not only do the national catalog retailers capture and store your personal information, but local retailers such as pizza delivery services capture your phone number and generally have your name and address displayed on their screen.
5. Avoid completing product warranty or registration cards, consumer surveys, preferred buyer promotions, and the like, except for products such as children's car seats and cribs, where it would be vital for you to receive recall information. Avoid using preferred shopper, store discount, or check-cashing cards. These cards generally permit the retailer to compile personal information (e.g., the number, ages, and sex of people in the household; your income level, etc.), which is then used to compile mailing lists that are sold for marketing purposes.
6. Avoid completing surveys, signing up for free promotions, and ordering products or services through online services (e.g., America Online) or via the Internet. New technology allows online services to monitor online usage and search patterns, which can be compiled for marketing purposes.
7. Block the caller ID function to prevent your telephone number from being displayed.
8. In general, avoid giving out your residential address and telephone number. Use a post office box or business address and a business telephone number whenever possible. If you do provide your residential address and phone number, ask how it will be used and how you can restrict any further use.

## SOCIAL SECURITY NUMBER

1. Avoid providing your Social Security number to private businesses unless it is required for governmental purposes. Some businesses, such as utilities, may require another form of identification or even a deposit if you do not give them your Social Security number. Government agencies may have a legitimate need for it: Title 42 of the U.S. Code, Section 405, describes when the use of your Social Security number by government agencies is required for purposes of identification, including tax records and driver licenses. Under the Privacy Act of 1974, all local, state, and federal government agencies must include on any form that requests your Social Security number a disclosure statement indicating whether or not your number is required to be given and how it will be used.

2. Do not include your Social Security number on checks, business cards, or other identifying documents. The combination of your Social Security number and additional identifying information increases the risk of fraud.

3. Do not use your Social Security number as your driver's license number, if possible.

## CONSUMER CREDIT REPORTING AGENCIES

Experian (formerly TRW)  
Experian Consumer Opt Out  
601 Experian Parkway  
Allen, TX 75013

Toll-free telephone number:  
800-422-4879 or 800-353-0809

Toll-free opt-out telephone number:  
888-5OPT-OUT (888-567-8688)

World Wide Web address:  
<http://www.experian.com>

ChoicePoint (formerly Equifax)  
Marketing Decision Systems, Inc.  
P.O. Box 740123  
Atlanta, GA 30374

Toll-free telephone number:  
800-685-1111 or 888-567-8688

Toll-free opt-out telephone number:  
888-5OPT-OUT (888-567-8688)

World Wide Web address:  
<http://www.equifax.com>

TransUnion  
TransUnion Name Removal Option  
P.O. Box 97328  
Jackson, MS 39288-7328

Toll-free telephone number:  
800-851-2674 or 888-567-8688

Toll-free opt-out telephone number:  
888-5OPT-OUT (888-567-8688)

World Wide Web address:  
<http://www.transunion.com>

## REDUCING SOLICITATIONS

The Direct Marketing Association (DMA) maintains lists of individuals who do not want to receive telephone solicitations, junk mail, product offers, and catalogs. If you are concerned about unwanted mail or telephone solicitations, contact the DMA at these addresses:

Mail Preference Service  
Direct Marketing Association  
P.O. Box 9008  
Farmingdale, NY 11735

Telephone Preference Service  
Direct Marketing Association  
P.O. Box 9014  
Farmingdale, NY 11735

## SAMPLE INTERNET DIRECTORIES

The following are examples of personal information directories available to the public on the Internet. You can check these Web sites to confirm the information available on you or your family.

<http://www.people.yahoo.com>

<http://www.anywho.com>

<http://www.whowhere.lycos.com>

## INDIVIDUAL REFERENCE SERVICE GROUP (IRSG) PRINCIPLES

Companies called individual reference services provide information to identify or locate individuals. Such information might be used to locate witnesses to crimes or parents delinquent in child support payments, to detect fraud, or for other governmental or business functions. On December 15, 1997, the leading companies in this industry, in conjunction with the Federal Trade Commission, agreed to a set of principles governing the collection, use, and distribution of nonpublic information. The principles represent good practices that the companies agree to support as part of their operations, in response to heightened interest in the industry. The signatories to this agreement are:

- Acxiom Corporation
- CDB Infotek, a ChoicePoint Company
- DCS Information Systems
- Database Technologies, Inc.
- Equifax Credit Information Services, Inc.
- Experian
- First Data Solutions, Inc.
- Information America, Inc.

- IRSC, Inc.
- Lexis-Nexis
- Metromail Corporation (now part of Experian)
- National Fraud Center
- Online Professional Electronic Network
- TransUnion Corporation

For additional information, visit the IRSG Web site at <http://www.irsg.org>.

## PROCEDURES TO MINIMIZE THE AVAILABILITY OF PERSONAL INFORMATION

### *Public Records*

Private entities that compile and resell public records generally do not have procedures for the removal of data and will not remove accurate public record data from their databases. Databases of public records are useful and valuable only to the extent they are accurate and complete. Accordingly, changes can be made only when initiated by the official public recordkeeping office.

If you have a compelling privacy or security issue, you may wish to contact the official custodians of those public records that contain sensitive information about you, such as your county's land records office, to determine how to remove your information from the public record. State and county record offices will have varying procedures and standards for the filing of individual requests to seal public records. Public records that are placed under seal will not be made available to commercial sources. This is a matter to pursue at your own discretion and with careful consideration because of possible adverse consequences, such as difficulty in obtaining credit or tax implications. If you have a public record sealed, you should contact the database providers that include

these records in their online services and request that these records be removed from their databases.

### ***Publicly Available Information***

Private entities that collect and resell publicly available information (e.g., direct marketing associations and credit reporting companies) generally have procedures that permit individuals to opt out of certain uses of the data, such as direct marketing. Note, however, that these companies have no legal obligation to remove the information. To request that publicly available information about you or members of your family be deleted from these vendors' compilations, you must contact vendors directly.

To the extent information is available as public records, it most likely will continue to appear in these databases. Many commercial vendors use as their sources both publicly available information and public records. Deletion of information from one source may not eliminate it from commercial compilations if the information remains in public records.

## **WESTLAW AND LEXIS-NEXIS**

Westlaw and Lexis-Nexis both provide online access to public records and publicly available information compiled by third parties from published telephone directories and business information sources such as Dun and Bradstreet. The procedures for removing personal information from these services vary.

### ***Westlaw***

Westlaw obtains information for its public records, people finder, and assets databases through Information America, Inc., a subsidiary of West Group.

The sources of information compiled by Information America include the three major

credit reporting companies: Experian (formerly TRW), ChoicePoint (formerly Equifax), and TransUnion. Information America is not a consumer credit reporting agency and it does not compile mailing lists or consumer marketing data. It does not maintain any databases of nonpublic individual financial information, such as individual credit reports, tax records, or bank information. Although Information America offers access to telephone directories, if an individual has a non-published telephone number, that number will not appear in these databases.

Information America does not provide—and does not plan to provide—nonpublic information to the general public. Customers that may access this information include law firms, commercial lenders, government agencies, and law enforcement personnel. These customers must sign a written agreement with Information America that restricts their use of the data. Social Security numbers are displayed only to certain government agency customers.

Information America is creating a notification list of individuals who are interested in opting out of its databases. In the event Information America makes nonpublic information available to the general public, it will send the individuals on this list information on the planned product as well as how to have their information removed from the product. To be included on this list, send a written request, including the full name and address, to:

Information America, Inc.  
Nonpublic Information Notification List  
Marquis One Tower  
245 Peachtree Center Avenue, 14th Floor  
Atlanta, GA 30303

Additional information about Information America, Inc. and topics such as privacy, public records, and protecting your personal data can be obtained from its Web site, <http://www.infoam.com>.

## Lexis-Nexis

Lexis-Nexis has three files of publicly available information on U.S. residents derived from information provided by the major credit reporting companies: P-TRAK (information obtained from TransUnion), P-FIND (information obtained from Metromail, now part of Experian, and P-SEEK (information obtained from Experian). In addition, Lexis-Nexis created an EZ-FIND file, which allows searching through the three aforementioned files.

The information in the P-TRAK, P-SEEK and P-FIND files is readily available from sources such as telephone directories and public records maintained by government agencies. The only information displayed is the name of the individual, his or her current address, and up to two previous addresses and telephone numbers. In some cases, the individual's maiden or alias name may appear, as well as the month and year of birth. These services are marketed to the legal community for use by legal practitioners and law enforcement agencies.

Currently, Lexis-Nexis has procedures established for the removal of personal information from its P-TRAK file only. Individuals who want to have their names removed from the P-TRAK file can send their full names, complete addresses, and telephone numbers by any of the following methods:

Lexis-Nexis  
ATTN: P-TRAK  
P.O. Box 933  
Dayton, OH 45401  
Fax: 800-732-7672  
E-mail: [p-trak@prod.lexis-nexis.com](mailto:p-trak@prod.lexis-nexis.com).

World Wide Web: A request form is available at <http://www.lexis-nexis.com>.

Removal of the name occurs approximately 90 days after receipt of the request, and a letter of confirmation is sent upon removal. This information is used solely to remove names from the P-TRAK database. Each

quarter, Lexis-Nexis reloads updated P-TRAK records and repeats the removal of names of those individuals who previously requested removal. Please note that even after a record is removed from P-TRAK, a person's name can reappear if the individual applies for credit using, for example, a differently spelled name or a new address.

To ensure continued removal from P-TRAK, an individual should repeat the request process periodically. In addition, to achieve a more comprehensive removal of personal information from the various people finder files, an individual should contact each of the major credit reporting companies directly, as discussed above.

More information on privacy and the Lexis-Nexis databases can be found on the Lexis-Nexis Web site at <http://www.Lexis-Nexis.com>.

## DEPARTMENT OF MOTOR VEHICLES RECORDS

Department of motor vehicles (DMV) records for 27 states and the District of Columbia are available on Westlaw and Lexis-Nexis. The vendors provide this information in accordance with the provisions of the federal and state Drivers Privacy Protection Acts (DPPAs). Users who access DMV records through Westlaw or Lexis-Nexis must agree to the DPPA terms prior to obtaining access to the DMV records. For example, DPPA requires users to agree that they are accessing the records in connection with litigation or judicial proceedings.

DMV records of the following states are available: Arkansas, Colorado, Delaware, the District of Columbia, Florida, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New York, North Carolina, Ohio, Oregon, South Carolina, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

## Appendix C.

# Residential Security Survey Guidelines

### WINDOWS

Double-hung windows should be pinned to prevent them from being pried open. All windows should be kept secured, especially at night or when occupants are away from home. Curtains or blinds should be used at night to prevent viewing of occupants and valuables from the outside. Basement windows, often hidden by bushes or trees, provide intruders with an ideal place to work unobserved. These windows should be replaced with polycarbonate or reinforced with decorative security bars. Bars and locks should be installed on skylights. Glass doors and ground-floor windows should have interior release mechanisms that cannot be reached from the outside.

### DOORS

Entry doors should be a solid core or metal with a one-way, wide-angle lens peephole. Keyed locks with 1½-inch deadbolts should be installed on all outside doors. The deadbolts should be double cylinder locks, especially if the door is near windows. If children are present in the home, a safe location for the keys should be identified. Outside hinges on access doors should be replaced with nonremovable hinges. Three-inch strike-plate screws should be installed for all entry doors. Sliding glass doors are vulnerable to lifting and sliding. To prevent lifting, insert screws along the upper track of the door. The head of the screws should be just

above the top of the door. To prevent sliding, place a piece of metal or wood in the track of the closed door.

### GARAGE

An automatic garage door opener should be in place. Occupants should enter and exit vehicles within a closed garage. Some new garage door openers prevent coders from determining the code to the garage door and opening it. If you have the old type of garage door opener, consider upgrading to a system that will not allow the code to be obtained. The garage should be lockable and kept secured when not in use. When residents travel, the garage and any side doors should be locked. Vehicles should always be kept secured within the garage. If a car is stolen and the automatic garage door opener is in it, the thief has access to the residence. Notify police and use extra caution when returning home. Change the garage door code immediately.

### INTERIOR AND PERIMETER LIGHTING

Timers should be used to turn lights on at predetermined times when residents are away or at home. Outside motion detector lights can be installed to automatically turn on inside lights, giving the impression that someone has just entered a room. Consider installing timers for televisions for the same

reason. Good lighting is a deterrent to night crime and is inexpensive. A 60-watt bulb burned from dusk to dawn only costs a few cents. All entrances should be lit from dusk to dawn. Motion detector lights are an inexpensive way of providing perimeter security throughout the property and surrounding area. All areas of the yard should be covered by outside lighting without any shadows.

## SECURITY SYSTEMS

A monitored security system should be installed to help prevent unauthorized entry into the residence. Basic security systems should cover all doors, basement portals, windows (especially ground-floor and basement windows) and the garage. Magnetic contacts should be installed on all doors.

## MAILBOX

The resident's name should not be displayed on the mailbox. Three-inch reflective numbers should be displayed on both sides of the mailbox to aid quick response by police officers and firefighters. This is especially important in rural areas.

## ADDITIONAL RECOMMENDATIONS

1. Restrict the possession of house keys. Change locks if keys are lost or stolen or if you move into a previously occupied residence.
2. Lock all entrances at night, including the garage. Keep the house locked, even if you are at home.
3. Change your mailing address to your work address. This may allow anything sent through

the U.S. Postal Service to be screened before it is delivered to you or your family.

4. Personally destroy all envelopes or other items that reflect your name and official position.
5. Develop friendly relationships with neighbors.
6. Arrange for an unpublished or unlisted home telephone number so that your address will not be readily available.
7. Be alert to public utility crews or any workers requesting access to your residence; check their identities through a peephole before allowing entry. Call their agency or department if you are uneasy. Check the references of service personnel, domestics, childcare providers, and other employees who have routine access to your residence or property.
8. Write down license plate numbers of suspicious vehicles and note a description of the occupants.
9. Refuse unordered packages.
10. Never eat candy or other foodstuffs that are delivered to your residence from an unknown source.
11. Treat inquiries concerning the whereabouts or activities of other family members with suspicion.
12. Install heat sensors and smoke detectors throughout the home. These should be hard-wired into the home electrical system and have a battery backup.
13. Maintain proper fire extinguishers throughout the home, especially in the kitchen.
14. Do not answer the telephone with your name or official title.

15. Mark or engrave valuables with Social Security numbers and the state. Take photos or videos of all valuables, record their serial numbers, and keep the information in a safe place.

16. Post emergency and business numbers for the local police, fire department, and hospital on or close to the telephone. Although 911 is always available, some people are reluctant to use it if they are not sure that the situation presents a real threat. Having the business number of the police may encourage family members to make a call that they ordinarily would not have made.

17. Participate in a neighborhood watch program.

## **SECURITY RECOMMENDATIONS WHILE AWAY**

1. Notify the local police department when you will be away from home for extended periods of time.
2. Stop mail and paper deliveries.
3. Set interior lights, radio, and television on timers.
4. Ask neighbors to check the house for fliers, newspapers, or other items on the porch or in the yard.
5. Mow the yard and shovel snow regularly.
6. Leave contact information with a neighbor and police in case of emergency.

# Appendix D.

## Arizona Code of Judicial Administration Firearms Standards

### ARIZONA CODE OF JUDICIAL ADMINISTRATION

#### *Part 6: Probation*

#### *Chapter 1: General Administration*

#### *Section 6-113: Firearms Standards*

**A. Definitions.** In this section the following definitions apply:

“Certified firearms instructor” means an individual trained by a recognized agency in accordance with national law enforcement firearms training standards and approved by the Administrative Office of the Courts (AOC).

“Firearms automated training system” means a system which visually presents situations the officer may encounter in the officer’s duties and requires the officer to make use-of-force decisions relating to the use of a firearm.

“Immediate threat” means the subject poses a risk of instant harm or attack with the elements of jeopardy, opportunity and ability.

“Life-threatening circumstances” means actions which may cause serious bodily injury or death.

“Low light condition” means firearms training conducted in situations either natural or simulated, designed to expose officers to situations they may encounter while working at night or in reduced light situations.

“On duty” means the time period during which the officer is involved in performing the officer’s respective probation duties, or functioning at the direction of the officer’s respective probation department.

“Off duty” means the time period during which the officer is not involved in performing the officer’s respective probation duties or functioning at the direction of the officer’s respective probation department.

“Officers” means both adult and juvenile probation and surveillance officers.

“Tactical condition” means a training which involves the officer’s appropriate use of a firearm in training involving the use of distance, shielding and movement, and other issues the officer may encounter during the course of duty.

**B. Applicability.** Officers of the probation departments with the authority of peace officers pursuant to A.R.S. §§ 12-253, 13-916, 8-205 and Arizona Code of Judicial Administration (ACJA) § 6-105, may carry and use firearms while on duty only if authorized by the chief probation officer or director of juvenile court and under the terms and conditions specified in this section.

**C. Purpose.** To govern the administration and authority of officers to use firearms.

**D. General Policy.** Officers shall use a firearm for defensive purposes only, under the following conditions:

1. Officers shall not carry any firearm on the officer's person, or have any firearm in the office or job location or in the officer's vehicle, while on official business except with prior approval and authorization of the chief probation officer or director of juvenile court.
2. Chief probation officers or directors of juvenile court may require that certain job assignments are staffed by an armed officer. Examples include, but are not limited to, warrants teams or specialized caseloads.
3. Chief probation officers or directors of juvenile court shall determine when officers authorized to carry a firearm are restricted from carrying in certain job assignments or in the performance of certain duties.
4. Chief probation officers or directors of juvenile court shall not order a staff member to be armed. Chief probation officers or directors of juvenile court may require the transfer of an unarmed officer to another job assignment if the current assignment requires an armed officer.

**E. Request for Authorization to Carry Firearm.**

1. Officers wishing authorization to carry a firearm or who desire training on firearms shall submit a written request to the chief probation officer or director of juvenile court and submit to the following screening and testing requirements.
2. The chief probation officer or director of juvenile court shall confirm that the requesting officer has done the following prior to granting authorization:
  - a. Completed a psychological evaluation by a psychologist or psychiatrist selected by the department;
  - b. Completed a criminal history records check;
  - c. Completed the Committee on Probation Education (COPE) approved firearms qualification program with a minimal standard score of 80% conducted by an AOC certified firearms instructor with the firearm intended for use;
  - d. Successfully completed a COPE approved competency test and training course on ACJA Firearms Standards 6-113 and Use of Force 6-112, department policies and legal issues relating to firearms;
  - e. Completed and demonstrated proficiency in all required defensive tactics training;
  - f. Submitted an AOC approved medical evaluation form completed by a licensed physician which indicates whether the officer has a listed medical, or health condition including a physical disability which substantially impairs the officer's ability to responsibly carry a firearm or interferes with

the safe use of or handling of a firearm; and

g. Submitted an AOC approved form to be completed by the officer attesting;

1) The officer has no medical, psychological, or health condition including a physical or mental disability which substantially impairs the officer's ability to responsibly carry a firearm or interferes with the safe use of or handling of a firearm.

2) The officer is not addicted to alcohol or prescription drugs.

3) The officer does not use unlawful narcotics or drugs.

4) The officer agreed to submit to random drug tests if authorization is granted.

5) The officer will abide by all department policy regarding firearms.

3. The chief probation officer or director of juvenile court may require that the requesting officer submit to an AOC approved polygraph examination.

4. Within 30 days, the chief probation officer or director of juvenile court shall act on the request for initial authorization by initiating arrangements for the probation officer to undergo the necessary tests, evaluations, checks and training.

#### **F. Required Firearms Training And Qualifications.**

1. COPE shall approve a uniform, standardized and statewide firearms qualification program and annual requalification that is developed by the AOC probation safety specialist in

conjunction with the probation department certified firearms instructors.

2. The certified firearms instructor shall provide firearms training that meets the following minimum standards.

a. Annual training in:

1) Low light conditions;

2) Tactical conditions; and

3) Firearms automated training system.

b. The certified firearms instructor shall provide all required instruction on the safe and effective use of department firearms.

3. Departments shall provide range equipment including eye and ear protection for use during training and qualifications.

4. Officers shall comply with all directives of the certified firearms instructor concerning firearms training and safety.

5. The certified firearms instructors shall prepare and submit a quarterly firearms qualification report in a format specified by the AOC to the chief probation officer or director of juvenile court and AOC.

6. An officer's direct supervisor may authorize the officer to use the department issued firearm for practice while off duty on a departmentally approved range.

7. The certified firearms instructor shall confiscate and take control of the firearm of any officer who exhibits inappropriate or unsafe behavior while on the range, or of any firearm determined to be unsafe.

## **G. Procedures for Authorization or Denial.**

1. The chief probation officer or director of juvenile court may deny authorization at any point in the screening and testing process based on the criteria stated in G(4)(a-t).
2. The chief probation officer or director of juvenile court shall approve or disapprove the request in writing within 30 days after the officer satisfactorily completes all requirements stated in E(2)(a-g). Reasons for denial shall be provided to the officer in writing.
3. The chief probation officer or director of juvenile court or designee shall place the original request and the approval or reasons for denial in the officer's personnel file, and provide copies to the officer, and to the officer's supervisor. The certified firearms instructors shall receive a copy of all approvals.
4. The chief probation officer or director of juvenile court shall not deny, revoke or temporarily suspend authorization to carry a firearm except for the following reasons:
  - a. Results from the psychological evaluation that indicates unfitness to carry a firearm;
  - b. The officer is currently diagnosed by a licensed mental health professional with a mental illness that may affect the use of firearms;
  - c. The denial or revocation of a permit to carry a concealed weapon by the State of Arizona;
  - d. A result from a criminal history record check indicating any or all of the following:
    - 1) The conviction of a felony or an offense which would be a felony if committed in this state;
    - 2) The commission of any offense involving dishonesty, unlawful sexual conduct, physical violence or domestic violence;
    - 3) The violation of A.R.S. 13-3112, concealed weapons permit or statutes governing firearms, or lethal and non-lethal weapons; and
    - 4) The commission of a misdemeanor involving the carrying or use of a firearm.
  - e. The violation of departmental policy or ACJA relating to the carrying or use of firearms;
  - f. Carrying, exhibiting or using a firearm in an unsafe or careless manner;
  - g. Disciplinary charges pending or action taken that relate to the fitness to carry a firearm;
  - h. Any use of alcoholic beverages on duty, or excessive use of alcoholic beverages off duty that affects performance of job;
  - i. The administrative reassignment of officers as a result of a certified stress related disorder or post traumatic stress disorder as diagnosed by a licensed mental health professional that may affect use of firearms;
  - j. A medical, psychological, or health condition including a physical, or mental disability which substantially impairs the officer's ability to responsibly carry a

- firearm or interferes with the safe use of or handling of a firearm;
- k. The addiction to alcohol, or prescription drugs that would interfere with the safe use of a firearm and render the officer unfit to carry a firearm;
  - l. Officers shall not have illegally used dangerous drugs or narcotics for any purpose within the past seven years;
  - m. Officers have not illegally used marijuana for any purpose within the past three years;
  - n. Transfer or reassignment of officers to an assignment or unit where carrying a firearm is not authorized pursuant to D(3) of this code section;
  - o. The authorization was based solely upon a specific personal risk to officers and the risk is determined to no longer exist;
  - p. Arrest for an offense punishable as a felony or for a misdemeanor involving the carrying or use of a firearm;
  - q. Discharge of a firearm by an officer in violation of any municipal, county or state law, regulation or policy;
  - r. Drawing a firearm or use of a non-lethal defensive weapon in violation of any municipal, county or state law, regulation or policy;
  - s. Any other circumstance temporary or permanent which leads the chief probation officer or director of juvenile court to believe that the arming of the officer could place that officer, other staff, probationers or the public in jeopardy; or
  - t. Failure to successfully complete the annual re-qualification program and participate in required practice sessions.
5. All screening and testing records shall be maintained in the officer's personnel file and be confidential as required by law.
  6. The presiding judge shall hear all appeals to the denial, revocation or suspension and the judicial decision is final and not appealable.
  7. Officers wishing to have their authorization reinstated after revocation may submit a written request to the chief probation officer or director of juvenile court after one year. This written request shall clearly state the reasons why the authorization should be reinstated. The presiding judge or judicial designee shall hear any appeals to the denial of reinstatement.

**H. Authorization.**

1. Officers granted authorization to carry a firearm shall acknowledge and sign an authorization document, indicating the officer understands the terms and conditions contained in the code and any department policy regarding the use of firearms. The authorized officer shall also agree to adhere to all state laws regarding the carrying and use of firearms. This includes all laws relating to the use of force.
2. Officers failing to comply with regulations and limitations are subject to disciplinary action and loss of firearm authorization.
3. Officers granted authorization to carry a firearm shall successfully complete the annual re-qualification and participate in all required practice sessions.

4. The chief probation officer or director of juvenile court may order an authorized officer to submit to an evaluation by a licensed or certified professional when it is apparent that the officer manifests behavior that indicates physical, medical, psychological or psychiatric condition that indicates unfitness to carry a firearm.

#### **I. Restrictions For Carrying Firearms.**

Officers authorized to carry and use a weapon on duty are prohibited from carrying department issued firearms under the following conditions:

1. While in a condition resulting from the use of alcohol or medication where the officer's motor skills, reflexes, or judgment could be adversely affected, or while displaying evidence of mental or emotional instability;
2. While injured or in a physical condition causing inability to use a firearm properly, for example, broken hand or an eye injury causing uncorrected impaired vision. This is not intended to limit an authorized officer's ability to defend self during the incident, or others when injuries are incurred in a life threatening situation;
3. While on disciplinary or investigative suspension;
4. While on leave, short term or extended, with or without pay, or other periods of unpaid absence from the department;
5. When the chief probation officer, director of juvenile court or other superior directs the officer not to carry a firearm;
6. When the chief probation officer or director of juvenile court revokes the authorization to carry; and

7. When engaged in official travel out of state unless written permission is obtained from the chief probation officer or director of juvenile court.

#### **J. Authority To Unholster, Draw and Display Firearms.**

1. Officers shall only draw their duty weapon from its holster, or display it in public, under the following conditions:
  - a. In compliance with department policy regarding firearm concealment or exposure;
  - b. The circumstances surrounding the incident create a reasonable belief that it may become necessary to use the firearm in the performance of probation supervision duties or for self defense;
  - c. When a law enforcement officer requests assistance from an officer in a life-threatening situation; and
  - d. For maintenance, inspection and training purposes.
    - 1) Officers shall ensure that the weapon is empty of ammunition prior to cleaning or inspection.
    - 2) Whenever using the weapon in an approved training course, practice session or qualification with the certified firearms instructor.

#### **K. Required Reporting Of Firearm Unholstering, Drawing, Or Displaying Of Firearm In Course Of Duty.**

1. Officers who unholster, draw, or display but does not discharge, a firearm while on duty, other than to secure the weapon or when requested by the certified firearms instructor for maintenance, inspection, or training purposes,

shall submit an incident report to their supervisor no later than the next business day.

2. Officers who witness this behavior shall submit an incident report to their supervisor no later than the next business day.
3. The supervisors shall immediately send the incident report through the departmental chain of command to the chief probation officer or director of juvenile court.
4. Failing to comply with reporting requirements may be subject to disciplinary actions.

#### **L. Authority To Discharge Firearm.**

1. An officer shall determine that deadly force is warranted under the circumstances provided by statute before using deadly force in the performance of the officers duties.

a. A.R.S. §13-410(A)(1) provides:

The threatened use of deadly physical force by a person against another is justified pursuant to §13-409 only if a reasonable person effecting the arrest ... would believe the suspect ... is:

- 1) Actually resisting the discharge of a legal duty with deadly force or with the apparent capacity to use deadly physical force.

b. A.R.S. §13-410(C)(1)(2)(a)(b)(c)and(d) provides:

The use of deadly force by a peace officer against another is justified pursuant to §13-409 only when the peace officer reasonably believes that it is necessary:

- 1) To defend himself or a third person from what the peace

officer reasonably believes to be the use or imminent use of deadly physical force.

- 2) To effect an arrest . . . of a person whom the peace officer reasonably believes:

(a) Has committed, attempted to commit, is committing or is attempting to commit a felony involving the use or threatened use of a deadly weapon.

(b) Is attempting to escape by use of a deadly weapon.

(c) Through past or present conduct of the person which is known by the peace officer that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay.

(d) Notwithstanding any other provision of this chapter, a peace officer is justified in threatening to use deadly physical force when and to the extent a reasonable officer believes it necessary to protect himself against another's potential use of force or deadly physical force.

2. Officers are prohibited from performing the following acts:

a. Drawing or displaying a weapon unless the situation poses a threat that may warrant the use of the weapon;

b. Firing warning shots;

c. Firing in the immediate direction of a crowd;

- d. Firing into buildings or through doors or windows, when the subject is not clearly visible;
  - e. Using firearms to protect property;
  - f. Discharging firearms to apprehend a fleeing offender;
  - g. Firing at a moving vehicle unless it is necessary to protect oneself or others against immediate threat of death or serious physical injury; or
  - h. Firing at an animal unless justified in preventing substantial harm to oneself or another.
3. Officers may use firearms on an approved range, or during other approved training, practice or qualification when supervised by the probation department certified firearms instructor or other department-approved training.

**M. Investigation of Discharges And Call-Out Procedures.**

- 1. Departments and the appropriate law enforcement agency shall investigate any discharge of a firearm. The improper use of a firearm may result in sanctions or criminal or civil action.
- 2. In an administrative investigation of weapons discharge the first non-involved responding officer shall:
  - a. Preserve the firearm in a condition as close as possible to the condition when the discharge took place;
  - b. Take care not to destroy or add fingerprints;
  - c. Work the mechanisms of the firearm only enough to render it to a safe condition;

- d. Record exactly what is done with the firearm and report it to the investigating law enforcement agency; and
  - e. Secure the weapon in the trunk of a vehicle until it is surrendered to investigating officers.
3. The responding officer shall immediately give all information gathered to the site commanding officer of the shooting inquiry team and incident investigator of the law enforcement agency conducting the investigation.
4. The probation department shall assign a staff member to aid and assist the officer if the discharge of the officer's firearm results in the wounding or death of a person or persons.
5. The chief probation officer or director of juvenile court shall ensure that when the officer's weapon is held as part of an investigation, a replacement firearm is issued as soon as is reasonable unless authorization to carry a firearm has been revoked or temporarily suspended.
6. AOC shall review each department's policies and procedures for the investigation of all firearm discharges or firearm involved incidents. Which shall include at a minimum:
  - a. Direction as to who should be notified;
  - b. Direction as to who should be called to the scene;
  - c. Notification to AOC and appropriate law enforcement;
  - d. Notification to county and state risk management;
  - e. Notification to county attorney and attorney general;

- f. Establishment of a critical incident response team;
  - g. Notification of a critical incident response team representative or representatives; and
  - h. Procedures to place an officer on administrative leave following a shooting or discharge.
7. The chief probation officer or director of juvenile court or designee shall handle all media and family inquiries.

**N. Shooting Inquiry Board.**

- 1. The chief probation officer or director of juvenile court shall appoint a shooting inquiry board within 20 days of the incident.
- 2. The shooting inquiry board shall convene for the purpose of revealing the facts in each instance of a discharge.
- 3. The shooting inquiry board shall consist of:
  - a. Two members of the probation department not involved in the incident, appointed by chief probation officer or director of juvenile court;
  - b. One member of a law enforcement agency, not the investigative officer, appointed by the chief probation officer or director of juvenile court;
  - c. One representative of the officer from the department, not involved in the incident;
  - d. One representative not involved in the incident, appointed by the presiding judge, from either inside or outside the probation department; and

- e. The AOC probation safety specialist.
4. The shooting inquiry board shall review the investigation of the shooting, and determine the facts surrounding the incident, interview witnesses, and when necessary, request the chief probation officer or director of juvenile court to assign investigators.
5. The board shall issue a written report to the chief probation officer or director of juvenile court at the conclusion of its review, containing the following:
- a. A brief summary of the incident, as determined by the facts presented to the board;
  - b. The board’s opinion of whether the discharge complied with department policy and ACJA;
  - c. Determination if the action of the officer was reasonable, safe, and necessary;
  - d. Any minority opinion of a member, in the event that the board’s opinion is not unanimous; and
  - e. The signature of each board member.
6. The chief probation officer or director of juvenile court shall have the authority to administer any discipline or remedial measures according to the local judicial merit system.
7. The chief probation officer or director of juvenile court shall forward a copy of the shooting inquiry board’s report to the AOC probation safety specialist along with the actions taken by the chief probation officer or director of juvenile court.

**O. Authority To Carry And Use Concealable Firearms While Off Duty.**

1. Officers authorized to carry and use issued firearms and ammunition on duty may request in writing separate authorization from the chief probation officer or director of juvenile court to carry and use the issued firearm and ammunition off duty. Approval or denial of a request to carry off duty shall be in writing and placed in the officer's personnel file and shall be based on a specific personal risk or need to immediately respond based on assignment.
2. Officers authorized to carry and use firearms while off duty shall comply with all laws and regulations and ACJA code sections concerning the carrying of firearms.
3. Officers who are carrying off duty without written authorization pursuant to this code section, shall be deemed to be acting outside the course and scope of employment and to be acting completely independently from the county or state.
  - a. The county and state assume no responsibility or liability for those actions.
  - b. Any liability arising from such possession or use of a firearm shall be the sole, individual liability of the officer.
4. Officers shall not carry department issued firearms while working secondary employment.

**P. Authorized Firearms, Ammunition and Holsters.**

1. Officers may only carry and use the firearms and ammunition that is approved by the AOC as their duty weapons.

- a. The certified firearms instructor shall record the firearm serial number with the probation department.
  - b. The department shall maintain records of all firearms carried by on duty officers.
  - c. Officers shall only alter the firearm with personalized grips or grip adapters. Only probation department approved armorers shall make adjustments to the firearm.
  - d. All safety devices on the firearm provided by the manufacturer shall be intact and functioning at all times.
  - e. Officers may use another officer's firearm in the case of a life-threatening emergency.
  - f. Officers may only use another firearm on the range, under the direct supervision of a certified firearms instructor.
2. The chief probation officer or director of juvenile court shall approve holsters for the authorized firearms. The department shall issue holsters that meet the following guidelines:
    - a. Readily concealable;
    - b. Properly fit the firearm;
    - c. Contain a thumb break; and
    - d. Contain a trigger guard.
  3. Officers shall qualify with the approved holster or holsters prior to initiating use and upon re-qualifying.
  4. The certified firearms instructor shall ensure that only factory ammunition is used. The use of reload ammunition is prohibited.
  5. Officers shall only carry the approved and authorized firearm.

6. Officers shall have in their possession their department issued badge, identification card and firearms authorization card whenever carrying a firearm.
7. Officers shall ensure that the firearm is fully loaded when it is carried or worn.
8. The chief probation officer or director of juvenile court may grant approval for an officer on official business to carry an issued firearm when traveling. If permission is granted, the officer shall follow all federal, state and local laws and regulations. The officer shall also comply with the carrier's requirements. Any such approval must be in writing with a copy carried by the officer while traveling.

**Q. Firearms Safety and Storage.**

1. Officers authorized to carry firearms shall observe and practice the following safety regulations:
  - a. All firearms shall be handled safely and treated as a loaded firearm until the handler has personally proven otherwise;
  - b. Officers shall only dry-fire, clean, exhibit, load or unload in a safe manner and environment;
  - c. Officers shall ensure that any unholstered firearm that is brought into a probation department facility is unloaded; and
  - d. Officers shall ensure that firearms equipped with safety devices are carried in a "safe" position.
2. Officers shall ensure that the holstered firearm and ammunition are stored in a designated safe and locked place, that is not accessible to unauthorized persons when not carrying or wearing the firearm.

- a. Officers shall not keep firearms in the office overnight unless secured in a department approved firearms storage unit.
- b. Officers shall not store firearms overnight in any vehicle.
- c. The department shall issue a trigger lock for all department issued firearms.
- d. Officers shall ensure that firearms are kept in a secure and safe place where it is not accessible to other individuals, particularly children.
- e. On-duty armed officers not wanting to carry a firearm into a residence or public building, shall temporarily store the firearm in a locked automobile trunk or glove compartment.
  - 1) Officers shall ensure that the automobile is locked if the firearm is stored in a glove compartment or if the trunk is accessible through the passenger area.
  - 2) Officers shall exercise care that the placement of the firearm in the glove compartment or trunk is not observed by the public.
  - 3) The chief probation officer or director of juvenile court may approve alternative arrangements, such as secure lock boxes under the seat.
- f. Officers shall follow facility procedures for safekeeping and temporary storage of their firearm, ammunition and other prohibited items at all correctional and court facilities.

3. Officers failing to comply with the safety and storage regulations may result in disciplinary action which may include the loss of authorization to carry a firearm.

**R. Stolen Or Lost Firearm.**

1. Officers shall immediately file a report with local law enforcement upon discovery that a firearm is missing.
2. Officers shall immediately report a stolen or lost firearm to the supervisor, who will in turn notify the chief probation officer or director of juvenile court.
3. Officers shall provide a written report to the supervisor no later than the close of that business day. The supervisor shall review the report and forward it to the chief probation officer or director of juvenile court.
4. The chief probation officer or director of juvenile court shall discipline an

officer who is found negligent in the loss of their department issued weapon. The discipline shall minimally consist of a letter of reprimand.

5. Officers shall reimburse the county or state in the event that a probation department firearm and related equipment is lost or damaged through negligence.

**S. Firearm Care and Maintenance.**

1. Officers shall be responsible for cleaning and inspection of their issued firearm.
2. Officers shall not clean firearms in the probation department.
3. Officers shall present the firearm to the certified firearms instructor for inspection upon the instructors request.

*Effective June 25, 2002  
Adopted by Administrative Order 2002-70*

## Appendix E. Firearms Training Checklist

**DOES YOUR JURISDICTION OR AGENCY HAVE POLICIES, PROCEDURES, OR TRAINING REGARDING THE FOLLOWING ISSUES?**

### *Administrative Authority*

- Defined philosophy
- Defined purpose

### *Officers*

- Statutory classification
- Jurisdictional authority
- Arrest powers
- Authority to carry firearms and other weapons
- Arrest policy and procedures
- Cooperation with other law enforcement agencies

### *Search and Seizure*

- Authority
- Control of third parties
- Use of force to enter

### *Essential Functions and Responsibilities*

- Testing
  - Written
  - Psychological
  - Pharmacological screening
  - Medical screening
  - Agility/physical screening
- Requirement to notify the agency of physical and pharmacological conditions that affect the ability to perform job functions
- Frequency and type of inservice training requirements

### *Equipment*

- Process for selection of equipment
- Administration of equipment

- \_\_\_\_\_ Ammunition
- \_\_\_\_\_ Badges and other forms of identification
- \_\_\_\_\_ Communication devices
- \_\_\_\_\_ Ear protection
- \_\_\_\_\_ Expended cartridge cases and unused ammunition
- \_\_\_\_\_ Eye protection

### ***Firearms and Associated Equipment***

- \_\_\_\_\_ Type
- \_\_\_\_\_ Amount of extra ammunition to carry
- \_\_\_\_\_ Targets
- \_\_\_\_\_ Flashlights
- \_\_\_\_\_ Holsters
- \_\_\_\_\_ Restraining devices
- \_\_\_\_\_ Protective handwear
- \_\_\_\_\_ Soft body armor

### ***Force***

- \_\_\_\_\_ Force definition
- \_\_\_\_\_ Purpose of force
- \_\_\_\_\_ Use-of-force model
- \_\_\_\_\_ Use-of-force test
- \_\_\_\_\_ Use-of-force considerations
- \_\_\_\_\_ Reasonable control guidelines
- \_\_\_\_\_ Deadly force definition
- \_\_\_\_\_ Serious bodily injury definition
- \_\_\_\_\_ Deadly force policy
- \_\_\_\_\_ Warning shots

- \_\_\_\_\_ Shooting a moving vehicle
- \_\_\_\_\_ Multiple hits

### ***Training***

- \_\_\_\_\_ Administrative authority, policies, and procedures
- \_\_\_\_\_ Safety awareness
- \_\_\_\_\_ Street survival tactics
- \_\_\_\_\_ Use-of-force model
- \_\_\_\_\_ Legal liabilities
- \_\_\_\_\_ Verbal deescalation
- \_\_\_\_\_ Firearms familiarization
- \_\_\_\_\_ Defensive tactics
- \_\_\_\_\_ First aid and CPR
- \_\_\_\_\_ Exposure control
- \_\_\_\_\_ Impact instruments
- \_\_\_\_\_ Chemical agents

### ***Records and Testing***

- \_\_\_\_\_ Duties and responsibilities of trainers
- \_\_\_\_\_ Duties and responsibilities of officers and staff
- \_\_\_\_\_ Inservice training curriculum
- \_\_\_\_\_ Remedial training policies
- \_\_\_\_\_ Requalification periods
- \_\_\_\_\_ Qualification attempts
- \_\_\_\_\_ Failure to qualify
- \_\_\_\_\_ Dim light course
- \_\_\_\_\_ Stress combat course
- \_\_\_\_\_ Judgment tactical skill course

## ***Procedures***

- \_\_\_\_\_ Handling of firearms
- \_\_\_\_\_ Storing firearms
- \_\_\_\_\_ Lost or stolen firearms
- \_\_\_\_\_ Firearms aboard aircraft
- \_\_\_\_\_ Incidents or allegations of use of a weapon
- \_\_\_\_\_ Discharge of a weapon

## ***Departmental Investigations***

- \_\_\_\_\_ Statement of purpose
- \_\_\_\_\_ Types and uses
  - \_\_\_\_\_ Incident reports
  - \_\_\_\_\_ *Garrity* rule (from *Garrity v. New Jersey* (1966))

- \_\_\_\_\_ Preliminary investigations
- \_\_\_\_\_ Administrative reviews
- \_\_\_\_\_ Debriefings
- \_\_\_\_\_ Formal investigations
- \_\_\_\_\_ Departmental review board
- \_\_\_\_\_ Incidents involving the chief or director

## ***Handling of Critical Incidents***

- \_\_\_\_\_ Guidelines for survival writing
- \_\_\_\_\_ Critical incident protocol
- \_\_\_\_\_ Critical incident resource team
- \_\_\_\_\_ Critical incident weapon shooting protocol checklist

## Appendix F. Additional Resources

### USE OF FORCE

Community Corrections Institute, LLC  
Robert L. Thornton, Director  
31615 44th Avenue East  
Eatonville, WA 98328  
Telephone: 253-847-5732  
E-mail address: [rtassoc@aol.com](mailto:rtassoc@aol.com)

PPCT Management Systems, Inc.  
Bruce and Sandy Siddle  
500 South Illinois Street, Suite 3  
Milstadt, IL 62260  
Telephone: 618-476-3535  
World Wide Web address:  
<http://www.ppct.com/>

Protective Safety Systems  
10108 Baileysburg  
Nokesville, VA 20181  
Telephone: 703-754-0682  
World Wide Web address: <http://www.pss.cc>

### VERBAL DIFFUSION SKILLS

Crisis Prevention Institute, Inc.  
3315-K North 124th Street  
Brookfield, WI 53005  
Toll-free telephone: 800-558-8976  
World Wide Web address:  
<http://www.crisisprevention.com>

### DEALING WITH AGGRESSIVE BEHAVIOR

Community Corrections Institute, LLC  
Robert L. Thornton, Director  
31615 44th Avenue East  
Eatonville, WA 98328  
Telephone: 253-847-5732  
E-mail address: [rtassoc@aol.com](mailto:rtassoc@aol.com)

The Verbal Judo Institute, Inc.  
P.O. Box 1132  
Westcliffe, CO 81252  
Toll-free telephone: 800-448-1042  
World Wide Web address:  
<http://www.verbaljudo.com>

### OC SPRAY

*Chemical Agent Instructor's  
Training Manual*  
J. Richard Faulkner, Jr., Correctional  
Program Specialist  
National Institute of Corrections  
320 First Street, NW  
Washington, DC 20534  
Toll-free telephone: 800-995-6423, ext. 40100  
E-mail address: [rfaulkner@bop.gov](mailto:rfaulkner@bop.gov)

*Guide for the Selection of Chemical Agent  
and Toxic Industrial Detection Equipment  
for Emergency First Responders*

National Institute of Justice  
810 Seventh Street, NW  
Washington, DC 20531  
Toll-free telephone: 800-851-3420  
World Wide Web address:  
[http://www.ojp.usdoj.gov/nij/  
pubs-sum/184449.htm](http://www.ojp.usdoj.gov/nij/pubs-sum/184449.htm)

## **MENTAL HEALTH ISSUES**

Joe S. Barton  
P.O. Box 82144  
Atlanta, GA 30354  
Telephone: 404-633-4747  
E-mail address: [barton1404@aol.com](mailto:barton1404@aol.com)

## **SCENARIO TRAINING**

Pima County Adult Probation Department  
George W. Baum, Jr., Training Officer  
2695 East Ajo Way  
Tucson, AZ 85713  
Telephone: 520-740-4800

## **SAFETY SIMULATIONS TRAINING**

Community Corrections Institute, LLC  
Robert L. Thornton, Director  
31615 44th Avenue East  
Eatonville, WA 98328  
Telephone: 253-847-5732  
E-mail address: [rltassoc@aol.com](mailto:rltassoc@aol.com)

South Carolina Department of Probation,  
Parole and Pardon Services

Mike Nichols  
2221 Devine Street, Suite 600  
P.O. Box 50666  
Columbia, SC 29250  
Telephone: 803-734-9220  
E-mail address: [mnichols@ppp.state.sc.us](mailto:mnichols@ppp.state.sc.us)

Virginia Academy for Staff Development  
Jimmy Burgess, Criminal Justice Training  
Specialist

1900 River Road West  
Crozier, VA 23039  
Telephone: 804-784-6865  
E-mail address: [BurgessJF@vadoc.state.va.us](mailto:BurgessJF@vadoc.state.va.us)

## **CRITICAL INCIDENT STRESS**

International Critical Incident Stress  
Foundation, Inc.  
10176 Baltimore National Pike, Unit 201  
Ellicott City, MD 21042  
Telephone: 410-750-9600  
Emergency telephone: 410-313-2473  
Fax: 410-750-9601

Mark Maggio, Ph.D.  
744 Evergreen Road  
Severn, MD 21144  
Toll-free telephone: 800-488-0171, ext. 4139

Ronald G. Schweer  
Deputy Chief U.S. Probation Officer  
U.S. Probation Office  
Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street, Suite 2.325  
St. Louis, MO 63102  
Telephone: 866-244-9866  
E-mail address: [ronald\\_schweer@  
moep.uscourts.gov](mailto:ronald_schweer@moep.uscourts.gov)