



The Case Head

The Official Publication of the Massachusetts Law Enforcement
Firearms Instructors & Armorsers Association

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**2010 FIREARMS INSTRUCTOR DEVELOPMENT
CONFERENCE IS A HUGE SUCCESS!**

The Case Head

The official publication of the
Massachusetts Law Enforcement Firearms Instructors & Armorers Association
P.O. Box 253, Princeton, MA 01541-0253

MISSION STATEMENT

The Massachusetts Law Enforcement Firearms Instructors' & Armorers' Association was formed to promote professionalism, continuing education, improvement in training methods and techniques of the proper law enforcement use of firearms in the Commonwealth of Massachusetts.

The Association strives to promote and foster mutual cooperation between instructors. Through discussion and a common interest in law enforcement firearms training, officer survival and tactical skills, MLEFIAA hopes to keep the members at the forefront of firearms training. Through our monthly meetings and annual training conference, we provide a means for the exchange of ideas and information regarding law enforcement firearms training, training methods, educational activities and new firearms technologies.

MLEFIAA currently has over 400 members. While mainly from Massachusetts, our membership extends internationally to countries as far away as Sweden. The Association endeavors to secure new members from the law enforcement training community who are engaged in the field of firearms training, maintenance, education or related fields. Our goal is to continuously upgrade the level of firearms training of law enforcement personnel here in the Commonwealth of Massachusetts.

MEMBERSHIP INFORMATION

Membership is offered at two levels - Active & Associate. Active membership is open to all duly sworn law enforcement officers of any local, county, state, federal or specialized law enforcement agency within the Commonwealth of Massachusetts; whose official duties include the training of law enforcement personnel in the proper use of firearms; or whose duties involve the maintenance and repair of firearms for their respective agencies.

Associate membership is open to sworn law enforcement firearms instructors and armorers from agencies outside of the Commonwealth of Massachusetts, non-sworn firearms instructors & armorers working within an agency within the Commonwealth of Massachusetts and representatives of private industry who are engaged in the design, development, manufacture, or training in firearms, ammunition and other related technologies designed for law enforcement use.

Complete details can be found at our website: www.MLEFIAA.org

Articles & Letters to the Editor

Articles and letters should be no more than 1000 words in length and submitted in MS Word. Any photos should be in JPEG format. MLEFIAA encourages a healthy discussion of training issues but we require that you keep it level headed and respect opposing views. You do not have to agree, but we will not publish articles that are inflammatory or otherwise do not uphold the reputation of this Association.

Thanks in advance!

Todd Bailey, 2nd Vice President & Editor

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Editorial by Todd Bailey, Editor

“In my view, the record makes plain that the Framers of the Privileges or Immunities Clause and the ratifying-era public understood – just as the Framers of the Second Amendment did – that the right to keep and bear arms was essential to the preservation of liberty. I agree with the Court that the Second Amendment is fully applicable to the States. I do so because the right to keep and bear arms is guaranteed by the Fourteenth Amendment as a privilege of American citizenship.”

Supreme Court Justice Clarence Thomas in McDonald v. City of Chicago

In late June, the Supreme Court of the United States released its decision in the case of McDonald, et al vs. the City of Chicago, et al. This case is a follow on of the D.C. vs. Heller case where the Supreme Court struck down the ban on handguns in the District of Columbia and found that the Second

Amendment guaranteed the right to own (provided the owner is not otherwise disqualified) a gun for self defense in the home. In McDonald, the Supreme Court looked at several local ordinances in Chicago and surrounding cities which prohibited private citizens from owning or keeping a handgun in their homes. Otis McDonald, a 76 year old black grandfather brought suit against the city of Chicago over the ordinance.

Justice Thomas hit the nail right square on the head and finally the Supreme Court has stated what anyone with common sense has known all along – the Second Amendment is just as much of an individual right as free speech and the freedom to practice the religion of your choice. It is just as protected as the freedom of the press and the right to be free of unreasonable search and seizures. It should be noted the Supreme Court did not nullify any and all gun laws on the books. In fact, the court was

careful to state they recognized local and state authorities needed the flexibility to regulate firearms. This ability will be tempered by the Heller and McDonald decisions which clearly state American citizens have the right to own firearms for self defense.

How will these decisions affect us here in Massachusetts? I suspect it will not have the far reaching impact many think or perhaps hope for. The court did make it perfectly clear that they left the door open for states to regulate, to a certain degree, the possession, purchase and use of firearms. Do not expect a change in our licensing laws. We will still see the convoluted licensing structure where you need a “Firearms ID” to carry OC and two levels of pistol permits. You will still be required to safely store your firearms. The so called “assault weapons” ban will remain in place (even though the federal government saw that it had no (continued on Page 6)

2010/2011

Meeting Calendar

Jan 25
S&W Academy
(Elections)

Feb 22
Open

March 22
Open

April 26
Open

May 22, 2007
Open

June 2007
HSC
Instructor Recerts

July & August
No meeting

Sept 27-30
Annual Instructor
Conference
HSC

October
Open

November 2010
Ruger (NH)

December 2010
No meeting

Watch your E-mail for details

Single Officer Response to the Active Shooter by Ron Borsch (Force Science News)

Trainer Ron Borsch is an early advocate of immediate entry into active-killer scenes by the first responding officer. He is the manager and lead trainer at the Southeast Area Law Enforcement (SEALE) regional in-service academy in Bedford, OH.

Borsch has analyzed nearly 40 cases of mass killers and their deadly mission in the U.S. and abroad. These are his findings regarding responder effectiveness:

- About 70% of these killing sprees were "aborted" (ended) by third-party intervention, without which the death toll undoubtedly would have been higher.
- Of the total aborts, two-thirds were by armed or unarmed civilians, initially taking action alone the overwhelming majority of the time;
- Of the remaining one-third of successful aborts, credited to law enforcement, 67% were initiated by a single officer;
- Only 1 resolution initially involved as many as 3 officers. In that instance, they responded in plainclothes without special training for such a situation. The remainder (22%) were initiated by 2 officers;
- The vast majority of successful law enforcement aborts (78%) were achieved with handguns only. "This is not to diminish the importance and growing issuance of patrol rifles," Borsch says. "It's merely an empowering fact that law enforcement can and has won against superior weapons used by the offender."

(Borsch feels these statistics would likely hold true for active-killer incidents as a whole. He does not include in his tally terrorist attacks, barricade/hostage-takings, or domestic violence in private dwellings.)

"None of the reality-proven successes against rapid mass murderers resembled the multiple-officer formations commonly taught in conventional training circles," Borsch points out. "Clearly, rapid aggressive action by a single actor has been and is now the most effective countermeasure for the active killer."

Law enforcement, Borsch argues, is in a race with the rapid mass murderer who "wants to build his body count before cops arrive." Starting first, he may have an edge of 5 minutes or more before police are even notified. With the right opportunity and determination, "history has proven that he can deliver murder and attempted murder as fast as once every 3 to 8 seconds," Borsch says, "Unfortunately, conventional training, such as waiting for backup and trying to organize a multi-officer 'posse formation' team for entry and location, gets in the way of successfully stopping the killing," Borsch asserts. He characterizes waiting as "tombstone caution," the penalty for which "is paid by innocents, killed or wounded."

He estimates that 4 officers making entry SOLO ("Single Officer Lifesaving Others") as they arrive at an active shooter location and hunt-

ing in a "multi-tiered, multi-directional fashion" can cover a large facility at least 4 times faster than 4 officers in a traditional formation.

"That means that 4 SOLO officers will be potentially 4 times faster in locating the active killer," he says.

"Agencies pressed for training dollars and time should invest their precious training money and time in the documented-successful single-officer approach. Those that suggest there could be a 'blue-on-blue' friendly fire problem because of lone officers acting independently miss the point. The real friendly fire challenge will be to avoid shooting panicked innocents, not conspicuously uniformed fellow officers.

"Handicapped by time and distance, law enforcement has, at best, a perishable opportunity to intervene in a rapid mass-murder scenario. Unlike the myriad of calls where we have been trained to wait for backup, a shooting in a public place is quite different.

"Most calls where we correctly use backup do not commonly result in murder. But with an active killer, the outcome of waiting instead of showing the courage to enter alone immediately is likely to be not only murder but multiples of murder. This goes against our mission of stopping the killing. In these situations speed has been proven to be a lifesaver."

Attention Members

It is that time of year to pay your dues. Please mail your dues check to MLEFIAA as soon as possible.

MLEFIAA, PO Box 253, Princeton, MA 01541-0253

Is It Time To Revisit The MPTC Use Of Force Model?

Why is the Use of Force model taught here in Massachusetts different from others around the country and that which is taught to federal officers? Why don't we have a national standard for Use of Force training? These are two questions I found myself asking recently after listening to a discussion on Use of Force training given by instructors at the Federal Law Enforcement Training Center.

It seems ironic that even though the concept of objective reasonableness has been the measuring stick since the Supreme Court ruled on *Graham v. Connor* in 1989, there is no nationwide standard for Use of Force training in American law enforcement. Some use a ladder or pyramid example while others use a time line type of scale. Others use no model at all and just teach their officers the concept of using reasonable force for the circumstances. How is it that every agency, every Criminal Justice Training Council, and every Police Officer Standards & Training commission can come up with a different model or continuum for the same 4th Amendment standard which the court ruled on 21 years ago?

Here in Massachusetts we use the Connor Model developed by Professor Greg Connor. Professor Connor is a former Michigan police officer who was a faculty member of the University of Illinois Police Training Institute. His model was adopted by the Federal Law Enforcement Training Center (FLETC) in the early 90's and was adopted here in Massachusetts thereafter. Any MPTC academy graduate is familiar with the multicolored pyramid diagram but how many really understand it?

FLETC has since dropped the Connor Model from its Use of Force training program and now teaches the concept of "objective reasonableness" as articulated in the *Graham v. Connor* case. In a recent FLETC podcast interview with John Bostain (Senior Instructor for Use of Force for FLETC Basic Programs), he stated that, "most continuums are structured in a way that a specific subject action equates to a specific officer response, regardless

of the totality of circumstances known to the officer." He further stated, "A model might say the officer's justified in using a hands-on control technique or OC spray, but not a baton or TASER. That's just not legally accurate. Even though the law says that all four of those responses could be reasonable, every model I've ever seen contradicts that. That's because it's impossible for a model to account for things like known violent history of the suspect; duration of the action; size; age; condition of the officer and suspect; and other facts that may make up the totality of circumstances."

At first glance, visual models may seem to be a great teaching tool because it lets the recruit visualize a concept they have little background in. The color codes help classify the different threat perception levels and suggests appropriate responses. While the program stresses looking at the totality of the circumstances, that visual diagram will be ever present in the mind of the officer along with the implied response options. The Defensive Tactics instructors here in Massachusetts do a tremendous job stressing that the officer can look at the entire situation to make their force selection. The problem is that diagram, which every recruit is forced to memorize, can inhibit the officer – especially if their experience level is low.

Before looking at where we need to go, let's take a look at what the Supreme Court has told us. According to Bostain, "The Supreme Court has expressly stated the right to make an arrest or an investigatory stop necessarily carries with it the right to use some level of physical coercion of threat thereof to affect it. In other words, if the officer has the authority to conduct a seizure, he has the authority to use force or the threat of force to accomplish that mission." In *Graham v. Connor*, the court said, "...police officers may use the amount of force that is objectively reasonable to control subjects during a lawful seizure. Objective reason-

ableness is based upon the totality of circumstances known to the officer at the moment force was used." "The Court will consider any objective fact the officer was aware of at the time he applied force. It's up to the officer of course, to articulate those facts to the Court. If another reasonable officer could have taken the same action based on those facts, then the use of force is lawful. Objective facts are those that can observed or measured by others, like the time of day, environmental surroundings, number of officers versus the number of suspects. Things like that. Objective facts don't include things that are solely in the officer's mind, such as a dislike of the suspect, or fear or nervousness felt by the officer. Those are subjective facts, and they don't carry any legal weight when it comes to use of force."

Unfortunately most police officers are not experts on Use of Force. They are (or should be) exposed to the intricacies at In Service annually. To add to the confusion, the curriculum gets changed occasionally. An officer who has been around for a while will remember the "Plus 1" concept which allowed officers to go to one level above that which the threat had. This was revised to a "balanced response".

If there was ever a topic to standardize, it is the concept of use of force. The Supreme Court established one set of guidelines to be used here in the United States – why do we have dozens of standards at the local level?

So what is the alternative? We know the Court will consider any objective fact the officer was aware of at the time the force was applied. The officer must articulate those facts in his/her report. If it can be argued that another reasonable officer could have taken the same action based on those facts, then the use of force was reasonable thus lawful. Bostain tells us that, "objective facts are those that can observed or measured by others, like the time of day, environmental surroundings, number of officers versus the number of suspects." Objective (continued on the next page)

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facts do not include things that are “solely in the officer’s mind, such as a dislike of the suspect, or fear or nervousness felt by the officer. Those are subjective facts, and they don’t carry any legal weight when it comes to use of force.”

In the interview, Bostain was presented with the hypothetical situation of an officer has an arrest warrant for John Jones for domestic assault and battery and asked ‘In accordance with the Fourth Amendment, what is the right way for that officer to approach John Jones to execute the warrant?’ Bostain responded that “there is no single ‘right’ way to handle it.” Say John Jones has a known history of resisting arrest and assaults on a police officer. Let’s also say that Jones is six foot two inches and weighs about 225 lbs. The officer is making the arrest by himself late at night. When the officer approaches the subject’s house, he sees Jones out on his front yard. The officer identifies himself as a police officer and he says, “John, you’re under arrest.” Jones responds by turning towards the officer, pointing his finger at him and saying, “Screw you, I’m not going to jail tonight.”

Bostain explains that “one officer, maybe one that’s highly experienced with martial arts, may decide to control Fred using an empty hand control technique. Another officer, based on the exact same information as the first, may decide to spray Jones with OC. Yet another officer, maybe one much smaller in stature than Jones, may decide to use an electronic control device such as a TASER. And yet another officer may handle this exact situation by using an extendible baton. That means there may be a whole range of reasonable force options available to the officer in a use of force situation. There is not a single correct answer that can be relied upon each time.” The interesting part is that all the options presented in this example conform to the guidelines set by the Supreme Court. The Court has acknowledged that the use of force decisions are made under circumstances that are tense, uncertain, and rapidly evolving.

The Court doesn’t expect the officer to be perfect. All the officer has to do is be reasonable. There’s no pre-set solution to use of force situations. Every incident presents a unique set of facts. There is just no way to anticipate them all.

This is where the advocates of doing away with the Use of Force model make their case. Since no use of force model can lay out every situation and the appropriate response, therein lies the flaw in the system. The Supreme Court specifically stated that the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application. Bostain points out that “most continuums are structured in a way that a specific subject action equates to a specific officer response, regardless of the totality of circumstances known to the officer. So, in the arrest warrant example discussed earlier, a model might say the officer was justified in using a hands-on control technique or OC spray, but not a baton or TASER. That is just not legally accurate. Even though the law says that all four of those responses could be reasonable, every model I’ve ever seen contradicts that. That is because it’s impossible for a model to account for things like known violent history of the suspect, duration of the action, size, age, condition of the officer and suspect and other facts that may make up the totality of circumstances.”

Another point which is directly applicable to the MPTC Use of Force model is the apparent defect with using general categories of subject actions which include phrases such as passive resistance, verbal non-compliance, active resistance, assaultive, grievous bodily harm. The problem is that there is no universal agreement on how to define each of these terms. Active resistance to one officer may appear passive to another, and may even appear assaultive to another. Bostain argues that these types of inconsistencies may cause an officer to unnecessarily hesitate as he tries to pigeonhole a subject’s actions

into a specific definition on a Use of Force continuum. Use of Force continuums are a cognitive tool. Where they may have a place in illustrating how the concept works to the novice, “they are not very useful in the rapidly evolving dynamics of a critical incident.” “Most models hold to the principle of using the minimal amount of force necessary to effect the law enforcement objective. The problem with adhering to that theory is that it encourages the officer to go through a trial and error process of deciding what force response option is the minimum, but is still going to be effective. Officers may try a minimal response hoping it’s going to work. When that fails, they try the next minimal response and hope it works. When that one fails too, the situation has deteriorated to the point where now it takes a great amount of force to control the subject. If the officer was just allowed to go and follow the guidance of the Supreme Court in *Graham*, they could go directly to the force response option they believe is reasonable based on the totality of circumstances.”

In fairness to the MPTC model, officers are not taught that they must go to the lowest level of force. They are taught to consider the totality of the circumstances and to use a balanced response. The issue comes with model itself and the implication that one must ‘climb the ladder’ so to speak to get to the appropriate level of force. Exacerbating the situation is the fear of a charge of excessive force and being hung out to dry by your agency if the court feels you drifted outside your agency’s use of force policy. Another issue to consider is the tools that your agency authorizes you to use. This was most apparent shortly after the Rodney King incident when many departments pulled batons off the streets because of how the baton was viewed in public perception. This places the officer at a distinct disadvantage especially if the agency does not authorize TASER. Officers could well face (continued on next page)

MPTC Use of Force Model (cont. from previous page)

the necessity of using OC where a baton would be more suitable. Another issue is a current trend noted by the author of noting a particular force response should be used at the “upper” or “lower” end of the threat level. This has been noted with the ever increasing popularity of “less lethal” munitions and several ‘authorities’ recommending they be used at the “upper end of the assaultive (bodily harm)” level.

The Fourth Amendment gives officers considerable discretion when it comes to use of force provided they can articulate that the level they selected was reasonable under the circumstances. Since every officer’s abilities and tools are different, it would seem this would be the best solution for both officers and agencies. The major problem with a use of force model is the mere presence of a model suggests that it denotes the correct force response for a given threat level. In fact, that is not correct since the court’s interpretation in *Graham* stated only that the level of force must be objectively reasonable. So, are we making use of force decisions more complicated for the average officer? Bostain feels we are and said, “That’s how we know models don’t work. When you have to create an extra rule just to make the model make sense, something’s wrong. They impose more restrictions on officers than the Fourth Amendment requires.”

The labels used at the different force levels are also a bone of contention with Bostain. He points out, “What one officer considers active

resistance might be interpreted as assaultive by another reasonable officer. That puts the two officers in different places on the model, even though they’re facing the exact same situation.” This obviously could be dangerous should one or both officers hesitate thus giving the suspect an advantage. He further stated, “Officers who should be taking control of the suspect before the situation escalates are too busy trying to figure out where they fall on a Use of Force Model, and what the minimal force is under those circumstances.

FLETC has done away with use of force models and replaced it with more legal training which is geared towards teaching the constitutional standard as set forth by the Supreme Court. Recruits are exposed to *Graham v. Connor* from their first week of training and the objective reasonableness standard is stressed almost daily as the recruits train with firearms, physical techniques (defensive tactics) and reality based training programs which reinforce decision making skills. Special focus is directed towards the recruit’s report writing skills and their ability to articulate their force level selection.

It has been suggested that one of the reasons we have a use of force model is so it can be shown to a jury to demonstrate the officer’s selection process in the event it gets to that point. Without a graphic which the jury can visualize, perhaps the layman would not be able to understand how the officer decides what tool to use in a particular situation. Bostain

feels that is incorrect. He suggests that we look at the way the Supreme Court explained it in *Graham*. “All they have to do is articulate the objective facts that made their application of force reasonable under the totality of circumstances. If the officer’s actions were a proportional response to the threat posed by the suspect, it’s reasonable. It’s really that simple.” Another reason for abandoning the use of force model and going to the Constitutional Standard would be consistency. “We have one legal standard for use of force in this country and that is objective reasonableness. By eliminating the dozens of different models and continuums, we can get the entire country on one sheet of music. That sheet of music is the one set forth by the United States Supreme Court. Secondly, officers can gain confidence in their ability to make use of force decisions, because they are armed with the knowledge to make force decisions based on objective facts rather than a subjective model. There will be less unnecessary hesitation by officers in the field, which should lead to the ability to control subjects sooner and with less force. As I said earlier, this also reduces the chances of the officer getting injured as well as reducing the chance of injury to the suspect. Lastly, it puts the officer and the agency in a better position to defend themselves from potential liability, because the officers will be acting in accordance with the Constitutional law, which will be the legal standard used in any future litigation.

FLETC PodCasts can be found at <http://www.fletc.gov/training/>

Editorial (continued from Page 2)

significant effect and allowed it to sunset after 10 years).

I am very interested to see if the Class B License to Carry will become a ‘shall’ issue license like the F.I.D. card. Since the Supreme Court has determined that law abiding (i.e. individuals who are not otherwise prohibited) citizens are permitted to keep a handgun in their

home for self defense, how can the Commonwealth deny a law abiding citizen a Class B LTC? In the old days, you could keep a handgun in your home on a valid FID. Beacon Hill saw fit to change that law and now you must have a License to Carry Firearms (either Class A or B) to lawfully possess a handgun in your own home. It will also be interesting

to see how readily the Chiefs, in their capacity as the “licensing authority”, are willing to recognize the intent of the court. The ‘suitability’ clause in Chapter 140 has been used unevenly varying from occasional discretion and to a blatant denial of all but the most influential applicants. The Supreme Court has spoken – is anyone here listening?

Evolution of Strategy and Tactics to Ongoing Deadly Action "Active Shootings" and Operational Art by Lt. Fred Leland

An **active shooter** is defined as "... *an armed person who has used deadly physical force on other persons and continues to do so while having unrestricted access to additional victims.*

[1]

The vision most law enforcement officers have when it comes to an active shooter is one or two people with guns moving through a building, randomly shooting anyone in their path. Active shootings are often thought of as taking place in a public place, such as a school where kids attend.

Westside Middle School, Thurston High School, Columbine High School, Virginia Tech, the Amish school house in Pennsylvania and many other schools, universities and campuses have been victims of an active shooting incident. The fact that many of the offenders are children themselves, combined with intense media attention, cements the idea that active shooters take out their rage on schools.

Unconventional Methods of Attack

The fact is that an active shootings can take place in any environment—in the streets, as in the case of gang related violence or cornered criminals in an effort to gain the advantage; at the workplace, often by a disgruntled employee; at a shopping mall, perhaps by a kid who lost his girlfriend or job; even in nursing homes, hospitals and neighborhoods.

We are witness to a worldwide *evolving threat* from highly trained active shooters. Terrorists have used small arms and small unit swarming tactics at luxury hotels, restaurants, train stations, community centers, cinemas, police headquarters and other public locations. Recent examples include the coordinated attacks in Mumbai, India and the premeditated shootings at Fort Hood, Texas and the gangs and narco-terrorists on the Mexican border.

The North Hollywood shooting in 1997 is yet another example of a conventional crime turned unconventional, when an armed confrontation between two heavily-armed bank robbers and the LAPD. It started when the

robbers were engaged while leaving the bank they just robbed by LAPD patrol officers.

Some had a difficult time describing the Beslan Russia school siege and massacre in 2004. It was a siege, a hostage situation, a terrorist act and an active shooting situation. It is also underscored how an adversary can use a combination of tactics in an effort to disrupt our response and delay our actions.

How should we handle adversaries who use small arms, small unit tactics and multiple techniques converging on multiple targets from numerous directions in a single incident? The answer lies in our dedication and discipline to prepare and train for these incidents.

It is imperative that we use our capabilities to the fullest: awareness, strength of character, information and intelligence gathering, decision making abilities and tactical skills are essential to successfully combating any active shooting situation. It is critical that we penetrate the decision making cycle of an adversary to soften his resolve, disorient his mental images, disrupt his operations, and overload his system so he either stops his actions and complies or is disrupted by the terms of law enforcement.

An active shooting can a take place anywhere, anytime. And the types of active shooters vary greatly in their levels of sophistication, planning, preparation and training and their commitment. In a study conducted by the law enforcement training company Hard Tactics researcher William Barchers, concluded that; *the faster a shooter is confronted, the higher the probability of event resolution with minimum loss of life. The group studied 40 active shooting incidents. Seventeen incidents were resolved by the shooters themselves, with the shooter ceasing his attack and committing suicide, or attempting to do so. In at least three cases, the shooters ceased their attacks when verbally con-*

fronted by someone they knew. In the remaining cases, the shooters were overcome by physical confrontation by the intended victims.

One of the most important facts to emerge from this study was that of the forty studied incidents, only six were resolved by police. We must continually learn-unlearn and re-learn from past incidents and then adapt the science and art of tactics to the unfolding circumstances.[2]

Time and Failure to Adapt... the first enemies of law enforcement

Time is often the enemy of law enforcements in the case of an active shooting because initially the shooter dictates the tempo. Most active shootings begin and end in 8 minutes. The Mumbai terrorist attack carried out by 10 men in 5, 2 man teams lasted over 60 hours and left 195 people dead and 295 wounded.

Because of this fact we in law enforcement must not only focus on the standard training, diamond and T-Y formations and moving towards the guns. We must employ superior situational awareness to read the scene, recognize the pattern of what's going on and channel our ability to think on our feet. The elements of a strategic and tactical mindset include **observing** our environment; **orienting** to climate of the situation; making good sound implicit **decisions**; and taking **action** to solve the problem. We solve the problem by applying *what we know* to the situation at hand, known as 'operational art'.

Full Spectrum Police Officers and Operational Art

Following the Columbine incident and criticisms of the law enforcement response in that case, many learned that "setting up a perimeter and waiting for SWAT to arrive," while deadly action is taking place, is unsound strategically and tactically. The lessons learned here and from many other incidents have reshaped law enforcements thoughts on proper

Evolution of Strategy & Tactics (cont. from previous page)

strategy and tactics in handling violent ongoing deadly actions.

Most in law enforcement could tell you exactly what's expected of them when responding to an active shooting situation. Go to the location of ongoing deadly action, wait shortly for back-up 1, 2 or 3 other officers form a diamond or T-Y formation and then march to the sounds of the guns and stop the ongoing threat. If there is shooting going on, keep moving towards the sound of the guns, engage the threat and stop it. There are documented cases where this tactic has worked well in resolving conventional *active shooter situation* and are viable tactics under the right conditions. Those conditions being, one or two people, not highly trained, armed and actively engaged in shooting innocent people. Our training in the conventional active shooting response can and does work with these conditions present.

The traditional 4 man diamond formation, which most in law enforcement have trained in, has been adapted due to the time/risk factor and the numbers killed in these tragic incidents. The 3 man (T -Y formations), 2 man and even 1 man entries are used to engage the conventional active shooter. There is often no time to wait for SWAT and patrol officers must respond. Oftentimes we have to adapt standard tactics (science) with know how (art) to be effective in stopping these threats.

This means each cop on the street or patrolling a city, town, university or campus, a security officer on a post or military personnel defending the country abroad must possess more knowledge in understanding conflict and its resolution and the mastery of individual and small team skills to launch successful operations dealing with conflict and violence inherent in an active shooting situation. Applying this knowledge, connecting strategy and tactics, is operational art and is the often missing link in law enforcement responses.

Preparation for initiative driven tactical response

The first question that must be asked in deciding what type of response is necessary in the active shootings, law enforcement responds to, should be "is immediate dynamic action required?" If lives are in "imminent" jeopardy, then the answer is yes... If it is they are in danger and no imminent threat to life exists, then the option may be a non-dynamic scaled response.

Action must do two things: (1) further friendly strategy, or (2) attack enemy strategy. By attacking enemy strategy, victory can often be won before the battle starts.^[3]

Putting the friendly strategy in place allows us to "attack the enemy strategy" by containing him. His options are few, and time, in most cases is now on our side. The subject may simply see he has no options and give up, or impatience may put adversary in a disadvantageous position, we can exploit to gain advantage.

Reading the Scene

It's crucial for the first responding officers to take up positions so that they get eyes on the objective in an effort to read the scene. The information they gather is critical and must be communicated to oncoming responders so that the initial tactical set up is in an area with the least amount of risk involved to responders. They should keep in mind not to only look at the scene from their perspective but from the adversaries as well. First responding efforts can be done quickly and should focus on:

- Reading and understanding the environment
- Reading and understanding the climate of the situation (What's going on?)

What tactics will work in the current situation? (use insight and innovation) · THIS IS TWO-WAY STREET "*FRIENDLY & ADVERSARIAL*" (both: *Observe-Orient, Decide and Act*)

Dynamic Encounters

Some have described and compared law enforcement encounters as either static or, dynamic. It's my view that there is no such thing as a static law enforcement encounter. All encounters whether they progressively evolve over a longer period of time or erupt rapidly in a short period of time, without warning, circumstances surrounding law enforcement encounters are all dynamic. Time is moving forward, circumstances changing and the ability of responders to adapt to the ongoing circumstances is always critical.

In responding to dynamic encounters the protection of life is our priority, always. If the circumstances change and we are suddenly put into a spontaneous set of conditions where life is threatened then, dynamic responses are required. Action is now the critical component to seizing and maintaining the initiative. We must now set the tempo with fluid initiative driven action with our focus being to stop the ongoing threat. To do so we must know both the art and science of tactics and how to apply this knowledge to the unfolding conditions.

Tactical response and rescue teams

The team whether it consists of 1, 2, 3 or 4 men should be made up of tactically savvy people. Officers, who possess the 5% mindset, and know the tactical concepts to utilize and have been trained to an effective level, will be the most effective in using these tactics.

An understanding and ability to apply the tactical formations, such as the diamond formation, which is used to move to and from, or across danger areas or down hallways in schools and office buildings and consists of 4 people, the point man who focuses on the front, the right and left cover men, who focus on the right or the left, specific to their position and then the rear guard who focus on the rear. All communicate and engage threats in their area of responsibility.

The T-Y formation is commonly used with 3 members in the team. The T-Y formations are used for the same

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purpose as the diamond, rapid movement, good observation and ability to engage adversary. All formations offer their own strengths and weakness mostly centered on fields of fire and tactical movement and clearing rooms and intersections (T, L and cross) encountered in a building.

Two-man tactics are commonly used by law enforcement in active shootings. One officer and back up is the most prevalent tactical team in policing, although, movement of two men in a tactical way, is not consistently taught in law enforcement. This must change. In a two-man team, contact cover is done by both with each man being responsible for 180 degrees of their area. Again verbal and non-verbal communication is critical to ensure safety and effectiveness.

One-man entry^[4] is a controversial entry technique and it's only used as a last resort in engaging ongoing deadly action. It's obvious to see the disadvantages in going it alone in an active shooting situation although when the deadly action is taking place on the part of the adversary and the lone officer is positioned at an advantage the need to enter and take action may be the only way to stop the threat. It's imperative that the lone officer be capable in his tactical ability to engage alone.

The focus of these formations is to enhance rapid movement to the threat and maintain security through collective observations. Keeping in mind where, you may individually and/or collectively have to move once the threat is engaged. The focus of effort is movement in these formations to get you in a position to effectively stop the threat.

As the numbers in the tactical response team gets smaller the work load becomes much more difficult as there are fewer eyes on the surroundings. It is important to adjust your pace as the situation and your manpower dictates. Speed is often times gained by positioning verses an over exaggerated sense of urgency. Keep this in mind.

Room Clearing

Coordination and setup is an important consideration in room clearing and is facilitated by your team movement and proper approach and evaluation prior to the setup. Observation of doors, how they open and close? Is the door centered on the room or is it on the right or left side of the room? The answers to these questions dictate the technique you will use for entry. The goal is positioning to observe as much as you can before entering. In many instances before entering a room as much as 80% percent can be cleared visually before stepping off into a room. Utilize the various cornering techniques as the situation dictates. Team members are "Reading" each other, flexible and responsive to the dynamic of the situation. Superior situational awareness and timing is necessary!

Rescue teams

Rescue teams are teams used as a follow on to rescue downed and injured victims. The tactical response team's focus is on the threat and they do not stop for victims. Injured victims are the rescue team's responsibility. There are a couple of different ways these teams are utilized. Some advocate waiting to send in rescue teams once the threat has been stopped. Others advocate soon after the tactical response teams enter and clear a section rescue teams are sent in as a follow on unit who actively rescue while the adversary is still active. In short it comes down to training and preparation. Is your rescue team, tactically trained? If so using as a follow on to rescue the injured while response team is actively engaged is a viable option. If EMS is not tactically trained then rescue should wait till the threat is stopped.

Communication Considerations

When we respond to a critical incident it's important to quickly establish you are on location and have command and control. This allows others responding to know someone is present on scene and that you can communicate the situation, identify

danger or kill zones and set up the perimeter in an effort to isolate and contain the situation. You must quickly put an adaptable plan together and communicate this plan, as well. This communication puts everyone involved on the same page and helps to bring order to the chaos.

Now when talking about tactical communication it's important to understand that this does not mean we are constantly on the radio relaying our every move. This "over talking" on the radio or elsewhere causes more chaos and disorder. Remember our goal is to bring order to disorder, not add to it... What communication does mean is that you calmly; clearly and concisely relay critical information in a timely manner. Your every thought does not need to be coming over the radio! I know it's somewhat human nature under stress, to want everyone to know everything, but resist the urge and just communicate what's critical. ^[5]

Responding units should stay off the radio and allow the person on scene and in the best position to relay critical information. Most communication at a active shooting, should be bottom-up. The frontline is in a position to make observations, direct others and take action. Command should trust their responding personnel and be on the listening end of communication and support frontline units. If trained and prepared properly the frontline will relay critical information up the chain so command can organize needed resources. Remember, climate is contagious; panic leads to more panic, as calm leads to more calm. Adapt to the situation; do not let the situation adapt to you.

Time for "Unconventional Tactics"

Law enforcement actions must evolve as well if we are to first detect and prevent these actions from taking place. When despite or efforts a violent ongoing deadly act does unfold we must be capable of dealing with it successfully by "penetrating our adversary's moral-mental-physical being to dissolve his moral fiber, disorient his mental images, disrupt his

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operations, and overload his system—as well as subvert, shatter, seize, or otherwise subdue those moral-mental-physical bastions, connections, or activities that he depends upon—in order to destroy internal harmony, produce paralysis, and collapse adversary’s will to resist.” [6] This requires insight, innovation and initiative and law enforcement using unconventional strategy and tactics as our adversaries have. Conflict is a clash

between two complex adaptive systems. Who wins? He who adapts faster.

Our goal in responding to ongoing deadly action is to first and foremost to protect life. We do this through superior situational awareness which enhances or understanding of the environment and what’s going on, so we can interact , adapt and position ourselves at the advantage, apply various tactics that work in stopping

the threat and in protecting the innocent lives in jeopardy, which is the goal of our strategy.

Footnotes

- [1] (Wikipedia, 2009)
- [2] (Barchers, 2010)
- [3] (Jr, 2008)
- [4] (Borsch, 2008)
- [5] (Jr., 2008)
- [6] (Boyd, December 1986)

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