

# *Journal of Colorado Policing*

The Official Journal of the  
Colorado Association of  
Chiefs of Police



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## EDITORIAL MISSION STATEMENT



# Journal of Colorado Policing

The Official Journal of the Colorado Association of Chiefs of Police

The editorial mission statement of the *Journal of Colorado Policing* is to provide a resource of information among law enforcement professionals. The journal serves as a professional forum for the dissemination of original research, legal updates, training strategies as well as best practices and literature reviews. The journal incorporates the expertise of both practitioners and academics to achieve those goals. Promoting the publication of peer-reviewed research and providing sound advice from practitioners for law enforcement within the state of Colorado are the journal's main goals.

The editorial board of the *Journal of Colorado Policing* considers for publication the following types of articles:

**Original Research:** Research articles of interest to the members of the Colorado Association of Chiefs of Police are welcome.

**Commentaries:** Short papers of a philosophical nature addressing important issues, innovative training strategies, and best practices are invited. The journal welcomes the thoughts and comments of the association's members and its other readers.

**Literature and Book Reviews:** The journal publishes literature and book reviews of well-documented manuscripts on pertinent topics and newly available texts within the discipline.

**Legal Updates:** Pertinent reviews of legal cases and articles addressing legal issues are published as well.

**Letters to the Editor:** Relevant letters are published, with authorship, on important topics.

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## TABLE OF CONTENTS

*Editorial Mission Statement*.....1

*Table of Contents* .....2

*Message from the CACP President*

    Gary Creager, Chief of Police .....3

*Letter from the Editor*

    John Reece, PhD, Editor-in-Chief.....5

*Millennial Police: Retention of a Valuable Asset*

    Jeffery S. Cohn, MA, CFE .....6

*Critical Incident Management: Recommendations for Law Enforcement Agencies*

    Jack Digliani, PhD & Dan Dworkin, PhD..... 13

*Dams as Potential Terror Targets in Colorado*

    Eric R. Watters, PhD..... 19

*Domestic Violence Fatality Review Boards in Colorado*

    Kate Dreiling, PhD..... 25

*Traffic Stop Performance in Law Enforcement*

    Dane E. Bartz, PhD; Michael Kantor, MS; & Robert W. Pettitt, PhD..... 27

*Legal Update: Kansas v. Glover (Traffic Stops After Learning the Vehicle Owner’s DL is Suspended via Teletype)*

    Philip J. Baca, Esq..... 31

*Guidelines for Authors* ..... 34

COMMENTARY

## Message from the CACP President

Gary Creager, MS, Chief of Police  
Broomfield Police Department



Chief Gary Creager

The COVID-19 pandemic has greatly impacted our society, our profession, and our organization. The plans we had for 2020 prior to the pandemic are by necessity modified or completely cancelled. Hopefully, we will emerge from this in 2021

stronger, wiser, and with greater focus on what is important in all aspects of our lives.

As I near the end of my Presidency with the CACP, I want to thank you for this opportunity. It's been a true honor and pleasure to work with phenomenal leaders throughout our state. I hoped to thank each of you individually, while enjoying our conference in Keystone, but today's circumstances necessitated cancelation of the event. The board negotiated with Vail Resorts a no-cost cancelation, and we renewed our agreement to hold our Annual Conference in Keystone in 2021 and 2022. Additionally, I want to take this opportunity to update you on the work of our committees, the board of directors, and other efforts on behalf of the CACP:

1. **The Legislative Committee:** Chaired by Chief Mike Phibbs, the committee worked closely with Sandra Solin and Ron Sloan to effectively engage on bills, both for the betterment and those that threatened our profession. As you know, the legislative return will look greatly different as the legislators work to balance an otherwise bleak state budget outlook.

The legislative committee will remain diligent to insure additional unfunded mandates are not passed along to our tight county and local budgets.

2. **CACP Budget:** Our organization has recovered significantly from the shortfalls of several years ago allowing for better conferences, additional support, new projects, and greater participation in addressing issues raised by the Chiefs. Unfortunately, the annual conference is a major source of income and due to cancellation of the 2020 event our income is significantly impacted. CACP remains solvent but must exercise caution in our expenditures throughout the next 12-month period.
3. **COVID Support:** The board has met several times with members of the Governor's office to propose executive orders easing the strain on law enforcement during the pandemic. Governor Polis was very receptive to our requests resulting in reduced demands on our organizations.
4. **President's Priorities:**
  - a. **Combine Mid-year with CSOC Mid-year Conference:** Special thanks to Chief Cory Christensen who made this a success and built a platform for a greater partnership in the future.
  - b. **Press Communication:** Although infrequent, there are media requests that place the board in a difficult position. Retired Chief Ron Sloan agreed to act as a spokesperson for CACP and performed this role admirably. Thank you for your assistance Ron.

## MESSAGE FROM THE PRESIDENT

- c. **Recruitment Support:** Chief Doug Shoemaker chaired this effort and assembled a world-class team to build a CACP recruitment platform. This project was temporarily suspended because of the COVID pandemic but should move forward in the near future.
- d. **Mentorship/Future Chief Programs:** The Future Chief program had 90+ participants. Chief Greg Knox is planning to introduce the Mentorship program in the coming months.

It has been a busy 12 months, yet much work is left. As I near the end of my term, I look forward to working with each of you, the board, and incoming President Chief Cory Christensen on the entirety of the opportunities and challenges that exist in our future. Stay safe and thank you!

## LETTER FROM THE EDITOR

John Reece, PhD, Editor-in-Chief  
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*Dr. John Reece*

I am proud to announce that Colorado Mesa University (CMU) is starting a Master of Arts in Criminal Justice Leadership and Policy (MCJLP) degree program. I had hoped to unveil the degree program at the CACP's summer conference

in June, but as you are all aware, that is no longer a possibility due to COVID-19. The new degree program was approved by the university's Board of Trustees this month and is expected to complete its accreditation through the Higher Learning Commission in the next couple of months. Accordingly, I would like to take this opportunity to introduce the program to you.

The MCJLP degree program is a total of 33 credit hours and is designed for the working professional. The program will be completely online, so students will be able to complete the degree remotely with no on-campus or residency requirement. The program will run in an accelerated format, with each course being only 8 weeks long. That means a student could complete the program in as little as 2 years, while taking only one course per mod (i.e., two courses in each fall, spring, and summer semester), which keeps the course workload manageable for the working professional.

The MCJLP degree program is designed for developing and established leaders throughout the criminal justice community. The coursework covers topic areas such as management and administration,

leadership, budgeting, policy analysis, ethics, criminological theory, program development and evaluation, strategic planning, critical issues in corrections, and legal issues in criminal justice. The degree program culminates in a capstone project, completed under the supervision of a faculty member, which synthesizes the theories and practices discussed throughout the program. The admissions requirements for the program include:

1. An earned baccalaureate degree from an accredited institution
2. A 3.0 or higher undergraduate grade point average (GPA)
3. Two years of professional experience in a criminal justice discipline is preferred, but not required.

The program does not require candidates to complete the graduate record examination (GRE). Students without a criminal justice or criminology-related undergraduate degree may be required to take leveling courses, such as an undergraduate Introduction to Criminal Justice or Criminology course, to prepare them for acceptance into the program.

CMU's MCJLP degree program is expected to start in the fall semester (i.e., late August) of 2020, with a *Leadership in Criminal Justice* course in the first mod and a *Public Policy Analysis* course in the second mod. Please feel free to pass this information along to your officers and staff, and to contact me at [joreece@coloradomesa.edu](mailto:joreece@coloradomesa.edu) for more information about the MCJLP degree program.

ORIGINAL RESEARCH

## Millennial Police: Retention of a Valuable Asset

Jeffery S. Cohn, MA, CFE

*Born between the years 1981 and 1995, the Generation Y age cohort has unique characteristics that can affect their retention as police officers in a traditional law enforcement organization. The current policing environment and Generation Y preferences create an unprecedented need to retain police officers capable of successfully meeting modern police challenges. This is a brief analysis of research conducted to test whether Colorado policing agencies should implement certain organizational changes and enhance police officer communication skills to improve the retention of Generation Y officers. Colorado POST academy directors and supervisors were surveyed for their input concerning Generation Y police officers who are police academy recruits. Law enforcement academy directors are in a unique position to share their beliefs and opinions about Generation Y police officers because they have a high degree of contact with this cohort in an environment that concentrates on the development of police skills and attitudes. The response to survey questions was analyzed to determine beliefs, attitudes and consensus of police academy directors. Results of the study indicate a need to implement certain organizational changes and enhance police communication skills to accommodate and retain Generation Y officers.*

Policing in the United States is a unique and highly specialized occupation. Few occupations permit an employee a greater range of power, trust, and accountability (Lambo, 2010). In many respects, police officers face more difficulties and challenges today than at any time in United States policing history. Recent research to evaluate the effectiveness of certain aspects of recruitment, hiring, and retention of police officers reveals a rapid expansion in the expectations society has of police officers. Although many vestiges of traditional policing still remain, the influence of community policing, civilian oversight, and increasing diversity in the police workforce have created a significant shift in what constitutes the police of today (Sklansky, 2006).

There is a critical need for law enforcement organizations to successfully recruit and retain police officers who can navigate and master this challenging profession. There are stringent requirements to become a police officer, which likely contribute to a

diminished pool of qualified potential employees. These requirements include having a certain level of physical and psychological fitness, no disqualifying criminal record, minimal drug use, and financial stability (Raymond et al., 2005). With a reduction in the pool of qualified employees, the importance of being able to retain existing successful employees is increased. This concern is heightened as the baby boomer generation, which tends to remain committed to one employer for their entire career, retires in large numbers and are replaced by younger employees who demonstrate less organizational commitment to a single employer (Twenge & Campbell, 2008).

There are indications the dangerous nature of police work along with certain other aspects of the job may have a lack of general appeal to Generation Y members. Shift work, an inflexibility of schedules, required adherence to strict dress codes and the overall negative impact on work-life balance policing poses can challenge the successful recruitment and

retention of Generation Y members. Police departments today, to varying degrees, are quasi-military organizations and the realities of this type of organizational structure “conflict with differing youth attitudes about the nature of work” (Bowyer, 2007). Successful recruitment and retention of Generation Y police officers should be a core component of a police business model and emphasize the need to understand factors affecting this generational cohort. The impact of failing to retain police officers is magnified because recruiting and training a new officer is considerably more costly and time consuming than retaining an existing employee (Wilson & Grammich, 2009).

Buffeted by fundamental changes in societal expectations of police, law enforcement leaders need to revisit their methodology in retaining those officers who are best able to meet these new challenges. These challenges include shifting from the traditional police *warrior* to a *guardian* mindset (Stoughton, 2015), the need for a careful and considered approach to implementing community policing and the need for police specialization in response to emerging crimes such as cybercrime, fraud and counterterrorism. Police work has become far more complex and requires officers who possess “strong analytical, problem-solving, critical and strategic thinking, and technology skills; and be culturally competent” (Raymond et al., 2005; Scrivner, 2006, 2008; Wilson & Grammich, 2009). This research examined which organizational practices and supervisory approaches increase Generation Y police officer satisfaction and as a result help improve their job retention.

### **Background**

The potential difference in preferences and perspective between generations of police workers can have great ramifications for law enforcement. A

negative perception of policing by Generation Y may also be influenced by their perceived relevance of police academy training, where for decades there has been a concentration of training on self-defense skills, firearms proficiency and driving ability. However, Chappell (2008) noted only about ten percent of police job duties utilize these skills while teaching communication effectiveness and problem solving are neglected areas of instruction. Some of the negative perception of police academies may be fueled by the teaching techniques themselves. Police academies have historically used a teacher-centered technique rather than the interactive techniques shown to be more effective for adult learners (Chappell, 2008).

While studies have pointed to the loss of officers as a significant problem facing police departments (Frost, 2006), the most severe impact affects smaller agencies, which comprise the overwhelming majority of police departments (Wilson, 2012). The impact is more critical for smaller police agencies because recruiting or training new employees can reduce the basic services these departments are able to offer (Hur, 2013). In some cases, it may be the structure of a police department itself that contributes to the problem of retaining quality employees. Police departments typically embrace a bureaucratic leadership style, which tends to sacrifice individuality in order to provide a predictable connection with the overall system (Balle, 1999). This bureaucratic form of organizational structure may be adequate in times of slow change and limited challenges, but today’s new environment requires a modified approach. This becomes especially relevant because United States law enforcement agencies typically utilize a military command structure based on the principle of top down hierarchy or chain of command. A long or “tall” chain of command can negatively impact an organization’s ability to respond

to external change (Sparrow, 1988) and can contradict the concept of police officers taking ownership of their patrol area to implement community policing (Clark, 2005). Information in a police hierarchy flows in a downward direction (Sabatier, 1986). Because of this characteristic, there may be disagreement on certain strategies or missions dictated to those who are expected to implement them, namely the frontline police officer (Toch, 2008).

The concept of shared leadership in policing, a relatively new approach, addresses some of the problems associated with the traditional, hierarchical style of police management. Shared leadership differs from traditional hierarchical command through police leadership seeking interaction and influence from groups of employees regardless of rank. There appears to be a positive relationship between shared leadership and job satisfaction. The level of job satisfaction has been shown to have a direct relationship with how close employees feel towards each other. This cohesiveness in turn serves to support the development of shared leadership in an organization (Masal, 2015).

Masal (2015) conducted research into shared leadership within law enforcement by examining how transformational leaders support implementing this approach. Transformational law enforcement leaders, while still maintaining their rank influence on others, rely on “intellectual stimulation, inspirational motivation, individual consideration and acting role models” (Masal, 2015) to influence employee behavior. This research established the important role a transformational style of leadership plays in successfully implementing shared leadership in police organizations.

The bureaucratic form of control may not be the most effective approach for a law enforcement

organization, especially considering the new and evolving role police officers face today. The inability to become a part of the workplace decision-making process may be in direct conflict with a younger employee’s expectations. This may lead to dissatisfaction and further affect the ability of a law enforcement organization to retain the very employees most needed to survive the challenges they currently face.

### **Recruitment and Retention**

A study by Hartman & McCambridge (2011) of Generation Y university students brought attention to a core skill that is highly desirable for a police officer; the ability to effectively communicate both orally and in writing. Thought by many to possess excellent communication skills due to their constant use of electronic devices, members of Generation Y were actually found to be lacking in oral, written and interpersonal communication skills (Hartman & McCambridge, 2011). Police managers have an opportunity to recognize this important Generation Y communication deficiency and ensure specific police academy training is available to address it. Not only can poor communication skills put the performance and safety of a Generation Y police officer at risk, the inability to effectively communicate could also impact the quality of relationships and the level of job satisfaction experienced by the officer.

The desirability of highly effective communication skills is identified by research as critical to “develop solutions in today’s workplace” (Hartman & McCambridge, 2011). However, traditional police training still focuses on a specific set of law enforcement duties that emphasize physical activities such as firearms, arrest control and driver training. As a result of this training focus Chappell (2008) noted areas such as communications, problem-

solving and police-community relations have been neglected.

In a study of Generation Y leadership preferences, Arsenault (2004) found members of that generation have a strong preference for leaders who were “competent, hardworking, determined and accountable for their actions.” This study found Generation Y members align with the concept of idealized influence under the transformational style of leadership. The concept of idealized influence involves leaders who demonstrate putting their self-interest aside while showing a willingness to make personal sacrifices to help the work group (Arsenault, 2004). Engel and Worden (2000) also noted the significant impact first line supervisors have on the attitude of subordinate police officers. This impact is so substantial that in certain circumstances the actions of police officers can be seen as an outcome of their supervisor’s attitudes (Engel & Worden, 2000).

Not only are supervisory attitudes and leadership style examples of non-materialistic aspects of work considered important to Generation Y officers, other work environment factors not involving pay or benefits can attract people to apply for police work. Raganella and White (2004) found helping people, excitement, crime fighting opportunities and companionship were important motivators to become a police officer. Other research suggests agreement with this finding, noting Generation Y members seem to value work that is personally meaningful as opposed to the salary or job title (Ertas, 2015).

### **Job Satisfaction**

The level of satisfaction and attitudes a law enforcement officer has towards their job are a critical component to their successful retention as a valuable employee. Satisfaction, attitudes and ultimately job retention, according to Jones et al. (2005) will suffer if

the job “does not live up to the employee’s expectations, and if the organizational characteristics and values do not reflect that of the individual.” The size of the law enforcement agency itself can also have an effect on police officer job satisfaction (Dantzker, 1997). It was found that officers from smaller agencies of less than 100 officers had the highest job satisfaction levels while larger agencies of over 500 officers had the lowest.

The police organization itself is a substantial source of stress for officers (Loo, 2003). This can become significant when considering the cumulative effect of stress an officer is already exposed to externally on the job. The level of commitment a police officer has to their organization and the job satisfaction they experience may be impacted by the internal stress they experience. Some of these internal or organizational stressors have been identified as bureaucratic management styles, lack of autonomy and interpersonal conflicts (Chae & Boyle, 2013).

While it may be difficult to define job satisfaction, failing to recognize what contributes to and detracts from this employee perception can have negative consequences for an organization. Having a low level of job satisfaction and low organizational commitment has been pointed out as major contributor to why employees resign from their job (Hur, 2013).

### **Methods**

A survey (2016) was created specifically for this research measuring Colorado Police Academy Director attitudes about Generation Y-aged police officers. The survey questions were designed to address three major areas: Organizational Change, Supervisory Approach and Individual Skill Development with the ultimate goal of examining the retention of Generation Y aged officers. Retention was defined as a successful

police officer remaining with their employer for a period of at least 5 years beyond completion of the police academy. Variables examined for their effect on retention were: a) police officer work schedules, b) officer line authority, c) police department internal stress, d) level of feedback to officers, e) the need to change police academy format, and f) the need to improve officer oral and written communication skills.

### **Results**

Academy Directors strongly agreed on a need for special strategies to improve retention for Generation Y officers and a realization these officers demonstrate less competency with written communication than older officers. Academy Directors moderately agreed Generation Y officers need and expect more feedback, that police academy training format can be improved to accommodate officers, that chain of command causes Generation Y dissatisfaction and internal organizational stress poses more stress than external operational matters. Academy Directors were not in agreement of a need to substantially change work schedules in order to attract and retain Generation Y officers or to give millennial aged line duty officers expanded authority.

### **Discussion**

Successful management of a law enforcement organization is a complex undertaking. Examining the question of whether Colorado law enforcement should implement certain changes to improve the retention and success of Generation Y-aged officers is equally complex. Not only is an attempt to attribute certain attitudes and desires for an entire generation problematic, a typical law enforcement organization will include multi-generational employees possessing differing views as to what contributes to job satisfaction. Within the Generation Y cohort itself, a variety of factors beyond simple generational

membership can contribute to personal job preferences.

Keeping these factors in mind, Colorado law enforcement organizations should identify and use special strategies in order to improve the retention and job satisfaction of Generation Y police officers. This includes providing increased performance feedback, coaching and mentoring. First line police supervisors are in a unique and important position to affect Generation Y police officers by implementing these strategies.

Organizational stress can be a significant detractor from job satisfaction for a police officer. Considering the stress officers are already exposed to during their job function, internal organizational stress must be reduced to the extent possible. Doing so can increase job satisfaction and have a positive effect the work-life balance of a police officer.

Generation Y police officers need special assistance in developing their oral and written communication skills. While this generation can excel at many electronic forms of communication, there is no disagreement as to the importance basic oral and written communication skills have towards the safety and success of a police officer. Finally, there is a need to modify the strict hierarchal command structure existing in most police departments. By doing so, Generation Y police officers have an increased opportunity to be part of an engaging work environment that helps stimulate job commitment.

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## MILLENNIAL POLICE RETENTION

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Southern Illinois University and a Master of Arts in Criminal Justice from American Public University. Mr. Cohn is also certified in threat assessment by the National Behavioral Intervention Team Association and as a fraud examiner by the Association of Certified Fraud Examiners.



Mr. Jeffery Cohn

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**Mr. Jeffery Cohn** has more than 40 years of law enforcement experience, serving communities in both Illinois and Colorado. Mr. Cohn was a patrol officer and sergeant, detective sergeant, commander, and retired as the Deputy Chief

of Police for the University of Colorado (CO) Police Department in 2019. Mr. Cohn's expertise includes threat assessment, school resource officer programs, community bias, narcotics and drug recognition, and economic crimes investigations. Mr. Cohn holds a Bachelor of Arts in Administration of Justice from

ORIGINAL RESEARCH

# Critical Incident Management: Recommendations for Law Enforcement Agencies

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*Critical incident management begins prior to the occurrence of a critical incident. The way in which involved officers/employees are treated following a critical incident makes a difference. Twenty recommendations for a critical incident management policy and a recommended Return-to-Duty protocol are presented.*

## Law Enforcement Agency and Officer Preparation

Critical incident management begins prior to the occurrence of a critical incident. To best prepare officers and other police employees for the possibility of exposure to a critical incident, and to lessen the probability of secondary injury as a result of critical incident exposure, the authors recommends law enforcement agencies: a) develop an association with a mental health professional experienced in police and trauma psychology, b) develop a peer support team that operates in conjunction with the mental health professional, c) include stress and trauma inoculation training in the agency academy, and d) include instruction in the agency's critical incident policies, procedures, and protocols in the basic academy curriculum. Following completion of the basic academy, and during field training, participation in the Psychologist and Training/Recruit Officer Liaison (PATROL) program is also recommended.

## Concept of Secondary Injury

Secondary Injury occurs when an employee is treated poorly following a critical incident, even if unintentionally. Secondary Injury is especially likely if the poor treatment comes from the employee's own department. Remember, one does not have to intend

harm to do harm. One way to virtually ensure secondary injury is to treat involved officers, or other police employees, as suspects following a critical incident without reason to do so.

## Agency Support

### Remove the Employee from the Scene

Remove involved employees from the scene as soon as possible to a gatekeeper-controlled environment. Do not isolate the employee. Utilize the agency peer support team and the department mental health professional for on-scene and continued support.

### Spouse and Family Notification

The way in which an employee's spouse and other family members are notified of an employee's involvement in a critical incident is important, especially if the employee has been injured. When capable, it is normally best for the employee's family, if the employee contacts them directly. If an employee is incapacitated, department notification policies should be followed. In either circumstance, the peer support team and other department support services should be made available to family members to insure they receive appropriate assistance and support.

### **Spouse Transportation and Access to the Officer**

Once the employee has been transported to a secure location, and if the employee wishes to be joined by his/her spouse, the department should offer to transport the employee's spouse to the location. The spouse should be given unrestricted access to the employee. When necessary, spouses should be advised the employee may be a source of evidence yet to be collected and personal contact is to be avoided.

### **Employee and Family Support Immediately Following the Incident**

The peer support team and department mental health professional continue support for the employee and family throughout the immediate investigative process.

### **The Employee's Weapon and Badge**

If applicable, replace the employee's firearm if it is taken as evidence. When possible, replace it with a similar firearm. If the employee's clothing is taken as evidence, allow the employee to retain the badge. If the badge is also taken as evidence, provide a replacement badge.

### **Contact from the Top**

In-person contact from the chief, sheriff, or department executive as soon as practical is recommended. Although the incident facts may not have been determined at the time of contact, a recognition of the risk confronted by the employee and assurances of department support from the department head has been determined to be a factor in reducing the probability of secondary injury. Experience has shown that although contact with other high-ranking department officials is much appreciated by employees who have been involved in a critical incident, it is no substitute for contact by the chief executive. Telephone and other means of contact

helps when in-person contact is not possible. Ongoing, periodic contact from the top of the organization is also recommended.

### **Employee Blood Sample Without Probable Cause**

Mandating the taking of a blood sample without probable cause, and solely because an employee has been involved in a shooting or other force-related critical incident, is unwarranted and may contribute to secondary traumatization. Agencies may offer to take a blood sample and employees may request a blood sample be taken.

### **Criminal and Administrative Investigations**

Make a clear distinction between the criminal investigation and the administrative investigation. Investigators should consistently clarify their investigative role when interviewing employees involved in critical incidents.

### **Appoint a Department Contact**

Appoint an employee to act as the involved-employee's department contact. The contact employee is assigned the responsibility of keeping the involved employee apprised of the investigation progress, new case developments, and any planned incident-related press releases. The contact employee may also be called upon by the involved employee to discuss any issues involving the department and ongoing case investigation.

### **Social Media**

Make a department social media specialist or public information officer available to the involved employee and the employee's family to assist with them with any social media questions, difficulties, or protection of their social media accounts.

### **Prepare the Employee for Negative Comments**

Prepare the employee for possible criticism

and negative information from the media, segments of community, family members of the suspect, social networks, and other sources. Such information is often generated from rumor, limited information, and inaccurate observations. Employees must remain grounded in what they know in order to be true to positively cope with false accusations that, due to the ongoing investigation and restrictions on releasing case information, they cannot comment upon.

### **Employee and Family Security**

Evaluate the need for employee and family security. Make arrangements for family and residence security if necessary.

### **Offer Continued Family Support**

Following an employee involved critical incident, especially those involving firearms or employee injury, families are frequently impacted by an increased sense of danger and employee vulnerability. Additionally, the incident, and subsequent press releases, may generate issues for the spouse and children. On-going department support can do much to help family members to positively cope with the stressors that may arise out of an employee's critical incident.

### **Group Debriefing and Other Support Interventions**

Incident group debriefings and other department-sponsored support interventions should be utilized as warranted.

### **Administrative Leave and Policy**

Maintain or develop policies that place employees involved in shootings and other select critical incidents on paid administrative leave. Employees should receive written notification of this status. Administrative leave allows the employee a break from job demands while the employee and

family are supported throughout the incident and aftermath. Employees normally remain on administrative leave during the course of the incident investigations and several components of the return-to-duty protocol.

### **Mental Health Professional Counseling Support**

Place the employee in an on-going confidential counseling support program with the department mental health professional as soon as practical. This program is designed by the department mental health professional to meet employee-specific needs. It normally consists of regularly scheduled support meetings during the period of administrative leave, return to duty, and beyond as needed, and may include spouses and other family members.

### **No Psychological Fitness for Duty Evaluation Without Reason**

Employees who have experienced a critical incident should not be made to undergo a formal psychological fitness-for-duty evaluation solely because they were involved in a critical incident. Such an evaluation is unjustified and unnecessary unless there are specific concerns about an employee's psychological fitness for duty.

### **Incident Investigation**

Expedite the criminal and administrative investigations in order to expedite closure for the employee.

### **Employee Specific and Incident-specific Concerns**

Address any specific employee and incident issues that were generated from the incident, exacerbated by the incident, or arose as a result of being placed on administrative leave. Specific concerns include previously scheduled court appearances, previously scheduled training, use of

department vehicles and equipment, off-duty jobs, moving from administrative leave to modified duty before full duty, and so on. Utilize the peer support team, department mental health professional, and other resources as needed.

### **Return-to-duty Protocol**

Implement a return-to-duty protocol. The return-to-duty protocol is comprised of several components designed to address the primary issues of critical incident exposure, as well as, reduce the probability of secondary injury. The timing of implementation of each component of the return-to-duty protocol is determined by the department mental health professional in collaboration with the employee.

### **Return to Duty**

The way in which a police employee is treated after involvement in a critical incident influences the probability of secondary injury and traumatization. Specific support interventions and the completion of several tasks have been shown to be helpful in reducing this probability. Together, these interventions and tasks comprise the return-to-duty protocol. The timing and implementation sequence of the return-to-duty protocol is determined within the employee/mental health professional counseling program.

### **Return-to-Duty Protocol**

#### ***Support During Incident-Related Recordings and Reports***

If an employee chooses to view his or her bodycam and/or dash cam recording of the incident, listen to dispatch recordings, or read other-employee incident reports, the department mental health professional and/or an employee-selected peer support team member will be present upon the

employee's request.

### ***Return to Scene***

The department mental health professional and the employee return to the incident scene. Although the employee may have previously completed an investigative walk through of the scene, this is an experiential return to the scene. Multiple returns at different times and lighting conditions may be necessary to best facilitate a degree of psychological closure. During the visits, the employee is encouraged to methodically review what happened, to discuss personal perceptions, and to process any emotional responses.

### ***Firing Range (If Shooting Incident)***

If the incident involved the discharge of the employee's firearm, the employee completes a qualifying course of fire under the supervision of a department firearms instructor. Practice shooting before firing for qualification is encouraged. The goal is to assure the employee is not experiencing any incident-related difficulties associated with firearms before returning to duty. If the employee's firearm has been placed into evidence, the employee shoots the firearm that will be carried upon return to duty. It is recommended the department mental health professional and/or an employee-selected peer support team member accompany and support the employee during the firearm activity.

### ***Employee Wellness Assessment (EWA)***

The EWA consists of a collaboration between the department mental health professional and the employee. The primary goal of the EWA is to determine whether there is a newly developed incident-related difficulty or an incident-exacerbated past difficulty that would prevent the employee from safely returning to duty. It is also used to determine

the optimal timing for the initiation of the graded re-entry to duty.

### **Graded Re-entry and Buddy**

Upon successful completion of the above return-to-duty protocol components, and after it is determined the employee is ready to return to a full duty assignment, the employee is placed in a graded re-entry program. Graded re-entry programs are designed by the department mental health professional and utilize a buddy who supports and accompanies the returning employee during the program. Graded re-entry programs are specifically designed for each returning employee and can vary in duration and role of the buddy. All graded re-entry programs include periodic communication between the returning employee and the department mental health professional, as the returning employee progresses through the program. Buddies may also contact the department mental health professional if necessary. The graded re-entry program provides rapid support intervention, including temporary removal of the returning employee from the program should it become necessary.

### **Follow-up**

After the employee successfully completes the graded re-entry process, an appropriate follow-up plan is designed and implemented. The follow-up plan may include: a) future meetings with the department mental health professional, b) additional meetings with members of the peer support team, c) continued spouse and other family member support, d) peer support team contact on or before significant holidays for at least the first year following the incident (i.e., year of firsts), and e) most importantly, peer support reach out on or before the anniversary date of the incident.



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## CRITICAL INCIDENT MANAGEMENT

privacy to police and fire-fighter peer support teams, for which he received the Fort Collins Police Chief's Commendation. Dr. Dworkin is a member of the International Association of Chiefs of Police (IACP) Police Psychology section and participated on the committees to revise the section's peer support and officer involved shooting protocols. He is a member of the Police Officers Suicide Foundation and the Colorado Psychological Association.

ORIGINAL RESEARCH

## Dams as Potential Terror Targets in Colorado

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*Dams can pose a serious threat to lives and commerce in the United States and Colorado is no exception. There are over 91,000 dams in the United States, some 1,800 of which are in the state of Colorado. The average age of dams in Colorado is 74 years, with 25 percent of them being classified as high-risk potential, meaning they may pose a risk to human life and/or significant property damage. Concern regarding the safety of dams tends to come from an engineering perspective, but the vulnerabilities of dams to terror attacks and other manmade threats deserve the attention law enforcement and emergency/disaster management professionals.*

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“Dams are a critical part of our nation’s infrastructure and all Americans enjoy the valuable benefits they provide, including flood protection, water supply, hydropower, irrigation and recreation” (Association of State Dam Safety Officials, 2016, p. 1). Nevertheless, dams can pose a serious threat to lives and commerce. According to the Association of State Dam Safety Officials (2016, p. 1), American dams “are aging and deteriorating, while downstream populations are increasing.” That contrast highlights the need for greater examination of the safety and security of dams across the United States.

### Scope of the Issue Nationwide

There are over 91,000 dams in the United States and its territories, 99.7 percent of which are in the 48 contiguous states (U.S. Army Corps of Engineers, 2019). The average age of dams in the United States, whose construction completion dates are available, is 58 years; the oldest of which is 379 years old (U.S. Army Corps of Engineers, 2019). Contrary to what may be popular belief, not all dams are government owned. In fact, only 35.5 percent of dams are government owned, with 4.2 percent being

federally owned, 7.3 percent state owned, 19.8 percent locally owned, and 4.2 percent owned by public utilities (U.S. Army Corps of Engineers, 2019). Thus, nearly 63 percent of dams in the United States are privately owned. The National Inventory of Dams lists 12 purposes for dams, three of which are particularly germane to the counterterror perspective; flood control ( $N=11,626$ ; 13 percent), water supply ( $N=5,477$ ; 6 percent), and irrigation ( $N=5,401$ ; 6 percent) (U.S. Army Corps of Engineers, 2019).

### Dam Hazard Classifications in the United States

Dams in the United States are classified as having either high, significant, or low-hazard potential. Of America’s 91,468 dams, 14,262 (15.6 percent) are classified as having a high-hazard potential (U.S. Army Corps of Engineers, 2019). High-hazard potential dams are defined as those “whose failure or mis-operation will cause loss of human life and significant property destruction” (Association of State Dam Safety Officials, 2016, p. 1). Since such dams pose a risk to human life, they should draw the greatest scrutiny when examining them from a counterterrorism point-of-view.

Dams rated as having significant-hazard potential are defined as those “whose failure or mis-operation will cause significant property destruction” (Association of State Dam Safety Officials, 2016, p. 1). The primary distinction between high and significant hazard is the absence of predictable risk to human life. In the United States, 10,752 (11.8 percent) of dams are rated as having significant-hazard potential (U.S. Army Corps of Engineers, 2019). Finally, according to the Association of State Dam Safety Officials (2016), low-hazard potential dams are those “whose failure or mis-operation will cause minimal property destruction” (p. 1). There are 54,456 (59.5 percent) dams in the United States classified as low-risk (U.S. Army Corps of Engineers, 2019).

### **Dams in Colorado**

There are 1,803 dams in Colorado (U.S. Army Corps of Engineers, 2020). The average age of those dams, whose construction completion dates are available, is 74 years; the oldest of which is 157 years old (U.S. Army Corps of Engineers, 2019). In Colorado, 35.4 percent of dams are government owned (9.4 percent federal, 4 percent state, and 22 percent local), while 5.2 percent are owned by public or private utilities and 58.9 percent are privately owned (U.S. Army Corps of Engineers, 2019). In Colorado, 1,028 are classified as low-risk (57 percent), 321 are classified as significant-risk (17.8 percent), and 453 are classified as high-risk potential (25.1 percent) (U.S. Army Corps of Engineers, 2019). According to the U.S. Army Corps of Engineers (2020), 95 percent of Colorado’s dams are regulated by the state, while 10 percent are either solely regulated by the federal government or in concert with state regulators.

### **Noteworthy Colorado Dam Failures**

One of the major roadblocks to regulating and securing dams in the state of Colorado, is that many of

them are located in remote, difficult-to-reach areas. The mountainous nature of much of the state makes it difficult to regulate many of the state’s dams. Faddis (2010) highlighted the failure of Colorado’s Lawn Lake and Cascade dams in 1982. Lawn Lake Dam, which was located in Rocky Mountain National Park, in Estes Park, Colorado, was an earthen (or embankment) irrigation dam built in 1903 (Baker, 2013; Root, 2018).

The dam failed suddenly in the early morning hours of July 15, 1982, releasing 674 acre-feet of water without warning (Baker, 2013). The water moved down the mountain with such force, that it carried with it tons of boulders and debris (e.g., earth and trees) (Root, 2018). The water traveled down the mountain to Cascade dam, which it quickly overtopped. According to Baker (2013),

The flood swept motels, residential structures, and mobile homes off their foundations. In the town of Estes Park, debris-laden, muddy water up to five feet deep (6,000 cfs) poured through the business district. It damaged 177 businesses (over 90% of the businesses). Damages totaled \$31 million and a total of three lives were lost (para. 6).

The failures of the Lawn Lake and Cascade Dams were precipitated by their remote locations. Inspections of the dams were infrequent due to their remoteness. In fact, according to Root (2018), inspectors had to hike six miles, each way, just to reach the Lawn Lake Dam. The disaster highlights the serious contributing factor topography poses to Colorado’s efforts to maintain the safety and security of its dams. The remote locations of many dams make them not only difficult to inspect, but also to repair, maintain, and protect from a terrorist attack. Notwithstanding that, the remote location of dams may also work in the favor of security, since if they are difficult for regulators to reach, they should be equally as difficult for bad

actors to reach. Age is also a troubling factor when one considers the Lawn Lake Dam was 79 years old when it failed and the average age of Colorado dams is 74 years old.

### **Colorado's Safety and Security Efforts**

In reviewing the state of Colorado's funding and staffing levels, dedicated to dam safety, a strange dichotomy was noted. The state's funding earmarked for dam safety has increased by some 80 percent over the last 20 years (Association of State Dam Safety Officials, 2016). That funding level is nearly double the national average of per dam funding, although it was found to be only slightly more than the average per dam funding for high-hazard potential dams (Association of State Dam Safety Officials, 2016). That would seem to indicate the state is placing some level of importance on dam safety post 9/11.

Notwithstanding that, the staffing level of those dedicated to dam safety in the state of Colorado has simultaneously decreased some 7 percent over that same time period (Association of State Dam Safety Officials, 2016). According to the Association of State Dam Safety Officials (2016), Colorado's per dam full-time equivalent dam safety positions are well below the national average for all classifications of dams, while it is slightly above the national average for high-hazard potential dams. Colorado's reduction in dam safety staffing is troubling, but the numbers at least illustrate the state is placing an emphasis on high-hazard potential dams, those with the potential for the loss of human life following an accidental or man-made failure.

### **Emergency Action Plans**

As was highlighted earlier, only 35.4 percent of dams are government owned in Colorado, while 58.9 percent are privately owned (U.S. Army Corps of

Engineers, 2019). Focusing on the 453 dams in Colorado classified as posing a risk to human life (i.e., high-hazard potential), 40.4 percent of those are privately owned. That high number of privately-owned high-hazard potential dams would seem to be a significant possible point of failure when it comes to dam safety and security. Nevertheless, 96 percent of Colorado's high-hazard potential dams ( $N=434$ ), whether government or privately owned, fall under the purview of state regulators, with 98.5 percent of them having an emergency action plan (EAP) on file with the state (U.S. Army Corps of Engineers, 2019). The ages of high-hazard potential dam EAPs in Colorado range from 1 to 29 years old, with the average age being 6.13 years, highlighting the need for more frequent updating of such plans.

Rule 16, of the state of Colorado's dams rules and regulations requires owners, whether government or private, of high or significant-hazard potential dams to "prepare and maintain an Emergency Action Plan," which is defined as "a formal document that identifies potential emergency conditions at a dam and specifies preplanned immediate actions to prevent failure of the dam, reduce the potential for loss of life, and minimize property damage downstream" (Dam Safety Branch, 2007, p. 52). Those action plans require dam owners to predetermine how they will detect emergency conditions at their dams, how and who they will notify when an emergency occurs, what their expected mitigation actions are, and where water from the dam will flow and what communities will be affected (Dam Safety Branch, 2007). What is unclear is just how involved state regulators, law enforcement, or emergency/disaster management professionals are in the development and review of such plans. Suffice it to say, both should be heavily involved and, one could guess, should be more involved than they probably are.

## Possible Effects of a Failure or Attack

### Mesa County, Colorado

Mesa County is highlighted as an example of the possible impacts of a natural or manmade dam failure. The environment of Mesa County is considered high desert, so it is highly dependent on managed water flows, which translates to the county having a lot of dams that are used for a variety of purposes. The damage or destruction of a dam in Mesa County could have several negative effects on the populace. There are three flood control dams in Mesa County, all of which are designed to regulate the flow water, much of it snow-melt coming from the mountains to the east of Grand Junction. The city of Grand Junction is the county seat and is the largest and most populated city in the county covering some 38 square miles with a population just over 63,000 (United States Census Bureau, 2019).

It is important to note the Colorado River flows directly through the center of Mesa County, bringing hundreds of thousands of cubic feet of water from the mountains through the county each day. While the three aforementioned flood control dams are not directly on the Colorado River, the waterways they are on all flow to the Colorado River. While it is possible the failure of one of those flood-control dams could allow flood waters to invade residential and commercial areas of the county, the flood waters need not extensively overflow the banks of the river to put lives at risk. The waterways of Mesa County are used by many residents for recreation such as rafting, paddle boarding, and floating. The river also flows along dry-land areas used heavily by hikers and mountain bikers. A flood-control dam failure could put the lives of all of those people at risk without major flooding (Schweiger, 2011).

Perhaps more dangerous to human life in Mesa

County, would be an attack on a water supply dam. There are 16 water supply dams in the county used for drinking water and 37 used for crop irrigation and livestock (U.S. Army Corps of Engineers, 2019). An attack on any one of those dams could have far-reaching effects on the human and animal population of the county, never mind the communities further downstream in states like Utah, Arizona, Nevada, and California, and even the country of Mexico.

An attack on the physical structure of a dam could deprive the populace, both human and animal, of vitally important drinking water and the water needed to irrigate farmland affecting food production for both. Even more sinister, would be an attack on the water source itself while leaving the physical structures intact. The surreptitious poisoning or tainting of the water sources created or regulated by those dams could do extensive harm to the human and animal inhabitants of Colorado. Tens of thousands of lives could be lost before officials could realize what had happened and warn the populace.

### Conclusion

“Thousands of U.S. dams have the potential to fail with tragic consequences, and Americans need to understand the risks associated with potential incidents and failures” (Association of State Dam Safety Officials, 2016, p. 1). Sadly, a review of the literature found the most emphasis, when it comes to dam safety and security, is placed on engineering issues rather than security issues. While it is undoubtedly important to be concerned with the construction, maintenance, and repair of dams from an engineering perspective, the need to protect dams from a terrorist attack should not overshadowed. Engineering and manmade threats to dams are equally important and deserve equal attention from government officials. As the Association of State Dam

Safety Officials (n.d.) explained,

Dams, both large and small, are easy and high-profile targets for vandalism and terrorism. Since many dams are easily accessible and their alteration or destruction can cause a lot of damage to people, structures, and the environment downstream, they are frequently at risk of being maliciously targeted by people ranging from local kids to organized groups (para. 19).

The threat of an international terrorist attack on a dam in Colorado seems remote; however, consider the indictment of Iranian hackers in 2016 for the 2013 coordinated, yet luckily unsuccessful, cyberattack of the Bowman Avenue Dam in Rye Brook, New York (Volz & Finkle, 2016). Domestic terror attacks, particularly those carried out by a lone wolf and eco-terror groups are even less implausible. Accordingly, it is recommended law enforcement and emergency/disaster management agencies should conduct systematic threat assessments of dam sites and work with local dam owners in the updating of their EAPs within their jurisdictions.

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Dr. Eric Watters

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## COLORADO DAM VULNERABILITIES

officer and worked his way up the ranks, eventually retiring as the Executive Commander. The last 10 years of his law enforcement career were spent at the management level where he led all the administrative functions of a department that served 140,000 fulltime residents with a \$50 million annual budget. Dr. Watters also served as an Adjunct Professor of Public Administration at Barry University in Miami Shores, Florida, for 10 years. Dr. Watters holds Bachelor and Master of Public Administration degrees from Barry University, and Master of Science in Justice Administration (Homeland Security specialization) and PhD in Leadership (Criminal Justice specialization) degrees from the University of the Cumberlands. Dr. Watters is also a graduate of the 136<sup>th</sup> Administrative Officers Course at the University of Louisville's Southern Police Institute. Dr. Watters serves as the assistant editor of the Journal of Colorado Policing.

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COMMENTARY

## Domestic Violence Fatality Review Boards in Colorado

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On June 6<sup>th</sup> of 2017, Governor Hickenlooper signed Senate Bill 126 into law, which formally established a state-wide domestic violence fatality review board. Chaired by the attorney general, who will appoint 16 other members, the board will conduct much needed research and data collection on domestic violence fatalities in the state of Colorado. According to the Colorado Bureau of Investigation, the state saw a sharp rise in domestic violence fatalities from 26 in 2015 to 42 in 2016. Prior to 2016, domestic violence homicides averaged around 24 per year. The board will work with local and regional domestic violence fatality review teams to collect data on domestic violence fatalities and near-death incidents, review and analyze those data, and make annual policy recommendations to the legislature to help reduce domestic violence rates and improve responses. Given the relatively stable rate of domestic violence homicides over the last 10 years, and the more recent increase in 2016, the time is ripe for Colorado to take a more standardized approach to gathering data and making improvements.

Domestic violence fatality reviews are defined as a “deliberative process” to prevent future intimate partner violence and homicides, provide strategies to ensure safety, and hold perpetrators and systems accountable (Websdale, 2001). They are crucial to understanding the lethal risk factors associated with domestic violence offenders and victims, and more importantly, they help uncover gaps in identifying, responding to, and intervening in such cases. Because

no one discipline or profession can solve the problem of domestic violence alone, it is imperative to use a multiagency and interdisciplinary approach to addressing strategies for prevention and response. By calling on various practitioners and service providers from the criminal justice system, victim advocacy, social services, healthcare, and mental health, a review team can suss out what led up to the homicide in hopes of identifying any red flags or unforeseen opportunities for intervention in order to improve preventive efforts. Over time, fatality reviews may “identify broader issues with social policies, criminal justice intervention strategies, and political initiatives (Websdale, 2003).

The bill permits a city, county, or district court to establish a local domestic violence fatality review team. While Denver has already been conducting fatality reviews for over a decade, other areas throughout the state have review teams as well, and Grand Junction is one of them. That team has reviewed several local cases since 2015. With support and guidance from the state’s domestic violence fatality review board, hopefully many more communities will develop review teams to study domestic violence fatalities and help decrease intimate partner violence throughout the state.

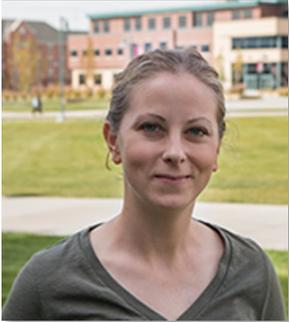
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COMMENTARY

## Traffic Stop Performance in Law Enforcement

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Law enforcement officers (LEOs) are threatened on a daily basis around the United States and those cases can lead to nonfatal or fatal injuries. The Federal Bureau of investigations (2019) reported that 259 LEOs were feloniously killed from 2014 to 2018 across the United States, along with another 7,749 LEOs who were assaulted. Those incidents are fast, dynamic, and highly stressful, therefore, making a strong case for describing incidences and training. Our focus in the present paper is to review traffic stop situations.

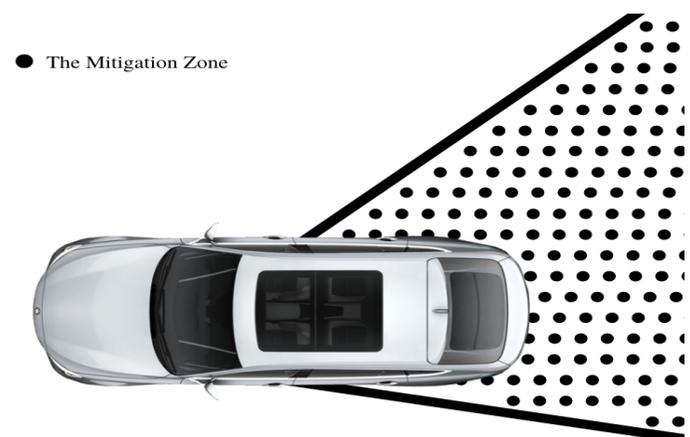
A portion of the injuries and deaths reported annually occur from routine traffic stops. Although LEOs are trained to identify danger in their environment, some officers may fail to notice a handgun in stressful environments (Simons & Schlosser, 2017). When a threat is perceived and confrontations occur, an officer's cognitive processes are challenged by elevation of the sympathetic nervous system, making it difficult to make appropriate decisions for a tactical response (Ross, 2013). In traffic stops, the presence of a handgun will elicit a direct reaction from the officer (Simons & Schlosser, 2017), leading towards using lethal force, if necessary. In some cases, the assailant conceals the handgun so the LEOs cannot view the potential threat (Simons & Schlosser, 2017).

### Traffic Stops

In law enforcement, the most frequent interactions between LEOs and the public are known

to take place involving motor vehicles including traffic stops (Lewinski et al., 2013). Although the majority of traffic stops are completed without incident, traffic stops have the potential to put LEOs at risk for ambushes with deadly weapons. Between 2014 to 2018, 14 LEOs died during traffic stops (FBI, 2019); however, traffic stops occupy a smaller percentage (12.8 percent) of deaths compared to service calls involving suspicious person or circumstances (28.4 percent) and tactical situations (24.7 percent). Yet, due to the high stakes, regular training involving the lethal use of force is merited. Concerning traffic stops, LEOs should be cognizant of the mitigation zone (MZ), which provides tactical cover from a driver attempting to fire a weapon at an officer (see Figure 1).

**Figure 1.** On the driver's side, there is a 10-degree angle just behind the B-pillar of the vehicle. Whereas, the passenger side has a larger 45-degree angle behind the B-pillar. The B-pillar is defined at the area between the front and back door, thus providing support for the vehicle windows and frame.



## TRAFFIC STOP PERFORMANCE

According to Lewinski et al. (2013), the assailant was able to discharge his weapon in less than 0.5 seconds regardless of where the officer was positioned, where LEOs took about 2 seconds to discharge their weapons. With such a time disadvantage in comparison to the assailant, LEOs need to know how they can improve their survival rate. LEOs were able to retreat significantly faster to the MZ on the passenger side of the assailant's vehicle (1.5 seconds) compared to the driver side (2.28 seconds). The MZ is an area where LEOs can gain a tactical advantage and improve their safety while dealing with the assailant.

The findings by Lewinski et al. (2013) suggested approaching a vehicle on the passenger side is a safer option in comparison to driver's side. With the passenger side, the driver has less ability to conceal a weapon, assuming a right-handed shooter with their weapon held next to their right thigh. The passenger side also obstructs the shooter and their ability to track and shoot multiple rounds due to the seat, B-pillar, and doors. Conversely, the LEO has the advantage in using their fitness to back pedal or sidestep quickly to the MZ where they have the tactical advantage for returning fire through the rear window.

### Training Activities

LEOs require specific tactical abilities including speed, strength, agility, and endurance (Crawley et al., 2016). LEOs may be required to react with lethal force from a sudden sedentary position that expresses maximal body exertion in a hostile environment (Crawley et al., 2016), such as routine patrol traffic stop (Lewinski et al., 2013). Figure 2 illustrates our recommendations for approaching every traffic stop to maximize LEO safety. We also advise to regularly practice evading an assailant shooting with a training pistol.

**Figure 2.** Conventional path (green dashed line) for traffic stops whereby the officer walks behind their patrol vehicle and then approaches the forward vehicle on the passenger side. Take notice the patrol car positions behind the vehicle taking tactical advantage of the mitigation zone against a driver attempting to shoot out their window (Figure 1). We discourage driver's side approaches (top red line) due to research discussed in the text. The approach between the vehicles (bottom red line) is vulnerable to an assailant reversing their vehicle into the officer.



Physical fitness is crucial for LEOs completing critical tasks, such as a tactical retreat towards the MZ; pursuing fleeing subjects; controlling an individual who is resisting arrest, which may include self-defense actions; grappling; or carrying injured or unconscious individuals (Crawley et al., 2016; Lewinski et al., 2013; Lyons et al., 2017; Pryor et al., 2012). LEOs commonly experience elevations in heart rate due to the stress of transitioning to different service calls (Baldwin et al., 2019). In the case of the traffic stop study by Lewinski et al. (2013), LEOs experienced heart rates at high at less than 70 percent of maximum in the span of 30 seconds. Indeed, those two studies reinforce to importance of maintaining cardiovascular fitness.

According to Bompaa and Buzzichelli (2019), LEOs should focus on developing a strong foundation of general fitness including speed, strength, flexibility, mobility, endurance, and coordination. Those fitness parameters enable superior tactical skills and abilities (Rudd et al., 2015). In the case of the traffic stop study by Lewinski et al., (2013), faster retreats were noted by officers using more agile footwork (e.g., sidestepping,

carioca stepping). Finally, those fitness parameters are advocated for general injury resistance and lessening work-related injuries (Bompa & Buzzichelli, 2019).

### Conclusion

Overall, we strongly suggest LEOs adopt a passenger side approach on all traffic stops. The passenger side approach provides a more favorable MZ, which improves the likelihood of survival and increases the distance between the LEO and the assailant (see Figures 1 and 2). Additionally, departments and officers need to consider their general fitness to be a priority to enhance their tactical abilities, including both fighting and fleeing when necessary. Moving forward, future research needs to address the gaps in the literature regarding general LEO fitness, specifically to better identify the extent to which the parameters of speed, strength, flexibility, mobility, endurance, and coordination can directly impact the outcome of traffic stops or other law enforcement encounters.

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## LEGAL UPDATE

# Kansas v. Glover, 589 U.S. \_\_\_\_ (2020) U.S. Supreme Court No. 18-556 Decided April 6, 2020

Philip J. Baca, Esq.

### Legal Proposition

*Given the right set of facts, an investigative traffic stop made after running a vehicle's license plate and learning that the registered owner's driver's license has been revoked is reasonable under the Fourth Amendment.*

### Facts

Deputy Mark Mehrer was on routine patrol in Douglas County, Kansas when he observed a 1995 Chevrolet 1500 pickup truck with Kansas plates. Deputy Mehrer ran the plate through the Kansas Department of Revenue's file service. The registration came back to a 1995 Chevrolet 1500 pickup truck. Kansas Department of Revenue files indicated the truck was registered to Charles Glover Jr. The files also indicated that Mr. Glover had a revoked driver's license. Deputy Mehrer assumed the registered owner of the truck was also the driver, Charles Glover Jr.

Deputy Mehrer did not observe any traffic infractions and did not attempt to identify the driver of the truck. Based solely on the information that the registered owner of the truck was revoked, Deputy Mehrer initiated a traffic stop. The driver of the truck was identified as the defendant, Charles Glover Jr. Mr. Glover was charged with driving under revocation and as a habitual violator.

### Issue

Does a police officer violate the Fourth Amendment by initiating a traffic stop after running the vehicle's license plate and learning that the registered owner has a revoked driver's license?

### Court Decision

No. The Kansas district court granted Glover's motion to suppress. The Kansas Supreme Court upheld the trial court's decision to suppress. The U.S. Supreme Court reversed.

### Restatement of Law

Under U.S. Supreme Court's precedents, the Fourth Amendment permits an officer to initiate a brief investigative traffic stop when he has "a particularized and objective basis for suspecting the particular person stopped of criminal activity." *United States v. Cortez*, 449 U. S. 411, 417-418 (1981); "Although a mere 'hunch' does not create reasonable suspicion, the level of suspicion the standard requires is considerably less than proof of wrongdoing by a preponderance of the evidence, and obviously less than is necessary for probable cause." *Prado Navarette v. California*, 572 U. S. 393, 397 (2014); *United States v. Sokolow*, 490 U. S. 1, 7 (1989).

The U.S. Supreme Court has previously recognized that States have a "vital interest in ensuring that only those qualified to do so are permitted to operate motor vehicles and that licensing, registration,

and vehicle inspection requirements are being observed.” Delaware v. Prouse, 440 U. S. 648, 658 (1979).

### Court Reasoning

Before initiating the stop, Deputy Mehrer observed an individual operating a 1995 Chevrolet 1500 pickup truck with Kansas plate 295ATJ. He also knew that the registered owner of the truck had a revoked license and that the model of the truck matched the observed vehicle. From these three facts, Deputy Mehrer drew the commonsense inference that Glover was likely the driver of the vehicle, which provided more than reasonable suspicion to initiate the stop.

The fact that the registered owner of a vehicle is not always the driver of the vehicle does not negate the reasonableness of Deputy Mehrer’s inference. Empirical studies demonstrate what common experience readily reveals: Drivers with revoked licenses frequently continue to drive and therefore to pose safety risks to other motorists and pedestrians.

As an initial matter, we (US Supreme Court) have previously stated that officers, like jurors, may rely on probabilities in the reasonable suspicion context. See Sokolow, 490 U. S., at 8–9; Cortez, 449 U. S., at 418. Moreover, as explained above, Deputy Mehrer did not rely exclusively on probabilities. He knew that the license plate was linked to a truck matching the observed vehicle and that the registered owner of the vehicle had a revoked license. Based on these minimal facts, he used common sense to form a reasonable suspicion that a specific individual was potentially engaged in specific criminal activity—driving with a revoked license.

Accordingly, combining database information and commonsense judgments in this context supports (U. S. Supreme Court’s) Fourth Amendment precedents.

Under the totality of the circumstances of this case, Deputy Mehrer drew an entirely reasonable inference that Glover was driving while his license was revoked.

### Bottom Line

When an officer lacks information negating an inference that the owner is driving the vehicle, an investigative traffic stop made after running a vehicle’s license plate and learning that the registered owner’s driver’s license has been revoked is reasonable under the Fourth Amendment.

The scope of this holding is narrow. The reasonable suspicion standard “takes into account the totality of the circumstances.” Navarette, 572 U. S., at 397. For example, if an officer knows that the registered owner of the vehicle is in his mid-sixties but observes that the driver is in her mid-twenties, then the totality of the circumstances would not “raise a suspicion that the particular individual being stopped is engaged in wrongdoing.”

The presence of additional facts might dispel reasonable suspicion, but here, the deputy possessed no information sufficient to rebut the reasonable inference that Glover was driving his own truck.



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