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ILEETA★

International Law Enforcement
Educators and Trainers Association

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ILEETA Journal Editorial



Managing Editor:
Kerry Avery

Change

The end of the year is usually time for reflection on the past and planning for the future. Normally I would reminisce about the past twelve months, the memories, time spent with family and friends, and personal achievements, but 2021 was not a normal year. COVID-19 and a hurricane caused another year of missed conferences and being unable to travel for work. On a personal note, I spent most of the year caring for my mom through the final stages of brain cancer until she passed away in September. It feels like the year was a fog, which is making it difficult to provide a coherent reflection on what the year meant for law enforcement and the impact on training.

Remember when people used to talk about the new normal and predicted the pandemic was going to be a catalyst for change? 2020 saw a leap into the world of distance learning as everyone pivoted activities to virtual deliveries. This shift showed people that teaching, learning, and connection is possible without being in the same physical location. 2021 was the other side of the coin where we reached our limit for virtual activities and we missed the type of connection that only happens in person.

I hope the burnout does not overshadow the benefits of distance delivery as we (hopefully) return to some semblance of normality in 2022. The lesson we can take away from this experience is the internet presents opportunities to enhance and expand our learning. Virtual sessions remove geographical boundaries, allowing us to get together without the cost and time for travel. We can connect with each other and experts who would never be available to present to your class in person. The pandemic may have saved us years of effort, selling people on the benefits and trying to convince them to try it. It is a small gain in light of all we have lost, but I'll take it.

Law enforcement and training are infinite games, a concept and book by Simon Sinek that identifies the difference in goals and tactics when there is no such thing as winning. In an infinite game we are solely focused on improving and advancing. What advances do you think we are going to see in 2022? What can you do to move the needle forward this year?

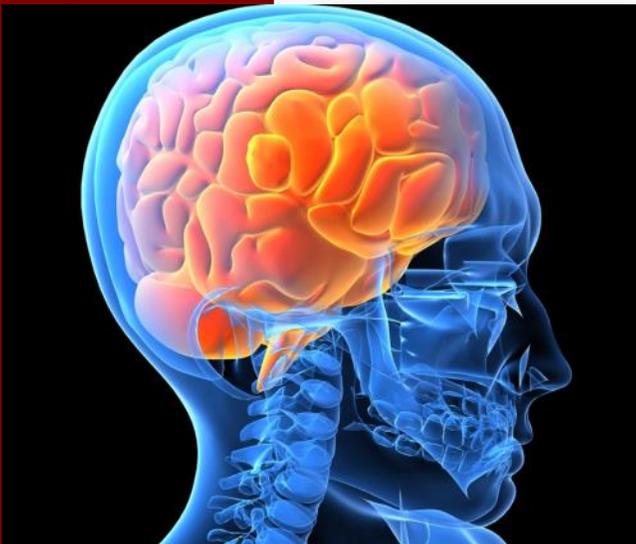
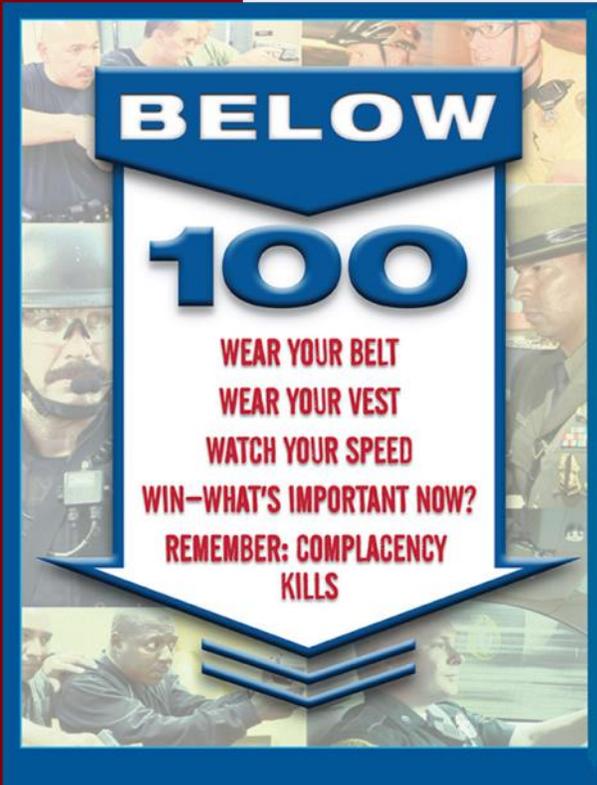
Happy New Year! Stay Safe!

Kerry

Editorial

Officer Safety Use of Force

Editor:
Brian Hill



How to Survive an O.I.S. Investigation

by Kevin R. Davis



2021 was an interesting year. Having survived both severe illness and Covid, I had the good fortune to retire from full-time policing after more than 33 years. Yet the year since then has been “interesting” as well – remember the Chinese curse, “May you live in interesting times...”

I’ve been busy working on quite a number of criminal cases as an expert witness. Many have been continued through next year based on the pandemic, some were dismissed (with prejudice), some went to trial.

Let’s take a look at one case for valuable lessons learned.

Case Review: Deputy Jacob Baker was [acquitted](#) in state court on Involuntary Manslaughter. A known felon with methamphetamine onboard and active warrants assaulted him, then attempted to disarm him. When the suspect broke contact, he moved a couple of steps then made a drawing motion, moving his hand/arm from the front waistband towards the Deputy as he turned towards him.

Lessons to be Learned for Officers: What may seem like an obvious deadly threat circumstances to you, in this day and age, sadly, may be ignored in the push for political prosecutions. As an individual officer you must:

- Understand the laws of deadly and non-deadly force. This may require that you constantly review your state laws and case law as it develops. Legal standards are changing, and you cannot count on your agency to keep you abreast of changes.
- Get the best legal advice and representation that you can. In the above case, the attorney representing the Deputy had tremendous courtroom experience, as well as vast knowledge of use of force law. This is the third case she and I have worked together, and she is an extremely talented jurist.
- Do not make a statement without your attorney present. Period. Never.
- Even if you are 100% right, you may be charged.

- Purchase some sort of prepaid legal, such as [Fraternal Order of Police Legal Defense Plan](#). In this case, the F.O.P./O.L.C. – Ohio Labor Council footed the bill, including my services.
- Have a Plan B – this shooting took place in 2019 with trial in 2021. You must have something, i.e., job or skill, to pay the bills and provide for your family in the interim. This is true for L.E. in general based on possible suspension in today’s political climate.
- Look at report writing and testifying as vital skills that you must master and maintain. Though these are important for general police work, they are vital when you are charged with a criminal offense reference an O.I.S. or internal policy/procedure violation. Even in this day and age, I’ve worked with too many officers/detectives who dreaded trial testimony and failed to properly prepare for their appearance. As an instructor, I have always tried to educate Grand Jurors and juries much like a class of officers. I know what I have to say and make every attempt to educate/inform/enlighten the jury as to the law, human factors, and totality of the circumstances which would lead them to a proper verdict.
- Understand that it is not enough to do the right thing, you must: articulate in your statement and Grand Jury, trial testimony, that your actions were within the law. Minimalist statement writing, i.e., “Arrived on scene, suspect resisted, I controlled him, left scene,” is not enough. You must articulate and develop totality of the circumstances that will lead the reader or juror to conclude that you acted within the law. Conclusions such as, “he resisted,” or, “I feared for my life,” are simply not enough. You must “flesh out” the details of what the suspect did in resisting or attacking you and what occurred to make you fear for your life. As a matter of fact, I’ve heard numerous officers state during their interview,

“fearing for my life,” or, “this is when I feared for my life,” versus articulating what the suspect did to make them feel this fear.

- In this case, the junior special prosecutor refused to acknowledge the legal standards on the use of deadly force. He even stated in the last pretrial meeting that he had not read the caselaw the defense attorney had provided to him.

Agency Lessons to be Learned:

- Prepare for a political prosecution. In this case and a prior one the defense counsel and I had worked, the prosecutor did not know the legal standards for police use of force. It is shameful that the defense counsel, through written motions, must educate the prosecutors what the legal standards are.
- Train your investigators and supervisors in use of force investigations! My God, is there anything that is more important right now in law enforcement? Deadly or Non-deadly use of investigations are being closely scrutinized by the media, politicians, and agenda driven groups. Make sure that your supervisors and investigators are properly trained so that their investigations and conclusions can withstand the scrutiny of close examination.
- Do not assume that the outside agency/investigators your agency uses will be trained or experienced. In Deputy Baker’s case, another LEO witness told me how nervous the investigator was waiting to testify, and that he stated he had never [testified](#) in an OIS case prior. I can say that the defense attorney complained that the state investigator would not acknowledge simple facts.
- Though the state agency explains that they are “collectors of facts,” and indeed write in a state produced [book](#) the following: “Investigators must be unbiased collectors of fact, avoiding any predetermined decisions about the reasonableness of actions.”
- Yet, the investigator in this case wrote the following in his report, “There was no weapon found at the

scene or on Sikon’s person. Dep. Baker stated Sikon reached into his waistband. One possible explanation, if Sikon did in fact reach into or toward his waistband, was due to him having multiple layers of clothing on and he could have been attempting to adjust them as he was running.”

Amazingly, there was no evidence or testimony that the decedent was “adjusting his clothing” or similar.

Rather, the Deputy was pretty clear in his description during his statement:

“So, he's he's all over me he tugging at my belt, tugging at my gun. I'm trying to make distance with him, I've got my the back of the coat about his head got his head and I'm sprawling, I'm spread out I'm just trying to drag his face down to the cement, just trying to make that distance between his hands, his arms, my belt, my gun. And we're just, we're fighting. I'm fighting to get him off of me. I still feel him tugging on my belt, tugging on my gun. I look down in the hood on my gun was open and he's still all over me. He's got his hands on my belt, on my gun. So I still have him by the back in head, by the coat. I'm trying to shove him down and, I know I just I had to get had to break the tension on my gun. I had to get him off my belt. So, I rolled my right hand down, and I grab him by the throat. And I was just trying to break attention. I didn't want to bring him closer. I've got a little bit of ground training, a little bit stuff we've covered defensive tactics. I didn't want to bring him any closer. I've got his head in my chest, so I'm just trying to bring him out you know, he's got long arms. I didn't wanna bring him any closer, I didn't want to give him any more room to get my gun out. I was afraid he was gonna get my gun out. You know. So, I grab him by the throat, and he he stops. He bring his hands up like he's gonna grab my arm off of his, and just rolls, he gets out of it. And he takes a couple steps and he instantly reaches into his waist. And why? I mean, I knew what I had to do. I really was in fear that he was going for a gun. I, training kicked in, for some reason I yelled, ‘I will kill you!’ He turns, brings his arm up out. Then that's when I start to fire. So I fire, instantly I start to radio. Bobby, takes a couple steps and he falls.”

- In a rather shameful interaction with OIS investigators and their training, I was approached on what the minimum standards should be for such an OIS taskforce investigator should be. Though I picked state of the art outside courses, the agency involved gave a 40 hour inhouse program. This shows that they are not committed to fielding professional investigators but rather, responding to political demand.
- Work with experts. In my role as a use of force expert, I have: provided editing of BWC video to provide context and “totality of the circumstances: for an agency press release (which resulted in zero public backlash); testified in Federal, State and Municipal criminal court on OIS incidents; provided case review and written reports which resulted in dismissal of civil cases; testified in front of state commissions on police use of force; and much more. Hiring an experienced outside expert gives an independent review of incidents and use of force. Hiring an expert who is also an experienced law enforcement trainer can direct an agency as to how to proceed to improve agency/officer training.

Wrap-Up

Deputy Baker was properly acquitted in this case but went through hell in the interim. Why is it that law enforcement in general and agencies in particular have not “upped their game,” and increased training on use of force investigations? Rather, we see that the standard “political” answer is to farm out OIS investigations to outside agencies. Sure, some may be experienced and

knowledgeable, but based on the increased number of investigations alone these agencies have been fielding newer, more poorly trained detectives and investigators. Hardly reassuring, is it?

Times have changed and the risk to law enforcement officers and agencies now includes an increased political threat to officers and agencies. “Doing the right thing,” is simply not enough nowadays. Officers and agencies must prepare for the uphill battle to, “...slosh our way through the fact bound morass of “reasonableness,” as the late Justice Antonin Scalia [wrote](#). **ILEETA**

About the Author

Kevin R. Davis is a retired L.E.O. from the Akron Police Department. With over 39 years in L.E. and 33+ years full-time. KD's experience includes: street patrol, investigative narcotics, training bureau, and Detective assigned to the body worn camera unit. Kevin has authored two books: Use of Force Investigations, and Citizens Guide to Armed Defense. You can visit KD's website at KD-ForceTraining.com where you can read his blogs on use of force. Kevin's email address is: TrainerKevinDavis@gmail.com

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So You Want to Be an Instructor? Be a Leader

by Todd Fletcher



Over the course of my career, I have seen instructors who are

good at the nuts and bolts of their training material. This includes firearm instructors who perform demonstrations well and convey “the why” in a way their students understand. It includes defensive tactics instructors who do a good job motivating students and showing the nuances of a technique. Unfortunately, I have also observed trainers who fail to lead by example. Most of the time, they say the right things during classes, but as soon as class ends, they fail to practice what they preach.

Consider your own experiences. How many firearms instructors fail to carry off-duty? How many control tactics instructors fail to practice good officer safety skills on the street? How many instructors fail to improve their own skills to the point where they no longer do demonstrations for their students? This undermines the instructor’s message during training and results in a distinct lack of instructor credibility.

Law enforcement trainers must “talk the talk and walk the walk”. To be credible instructors, we need to set a positive example for students during classes and in our daily lives. This includes continuously working to improve our skills, modeling the behavior we want to see from our students, and practicing what we preach. Instructors must recognize they are leaders and work to promote leadership skills and behaviors.

The reason some law enforcement instructors fail to consistently practice leadership skills is complex, and I believe there are several answers to this question. Lack of role models, lack of leadership training for instructors, and lack of ability to self-evaluate all contribute to this problem. But the single biggest reason some instructors fail as leaders is as simple as this: It’s hard. Most instructors take the path of least resistance because it requires less time, less energy, and less effort. As a result, it is easy to fail to practice leadership skills because leadership behaviors require work.

Servant Leadership

Before becoming an instructor, prospective candidates need to understand one simple rule: it’s not about you. It’s about the students. Instructors who rely on strict curriculums and timetables are doing their students as much a disservice as those instructors who are there to fill their own egotistical desires. Instructors need to remember they are teaching to fill the needs of the students. In every class, there are topics that **must** be covered before the end of training, but instructors are also responsible for filling the information gaps students may have during training. Take the time to answer questions even if it’s inconvenient. If additional time needs to be made for questions, make yourself available after class to fill information gaps. Again, it’s not about you, your schedule, or your material. It’s about improving your students.

Be humble about your knowledge or skills. Instructors do not have all the answers, nor do our students expect us to be all-knowing. When you don’t know the answer, tell them you don’t know but will find an answer. Then, do it! Force yourself to do what you say you will do. Too many leaders fail to follow through. If you make a mistake, then own the mistake and make it right. For example, if you make a mistake during a demonstration, own it and do it again the right way. Be humble. As the instructor and class leader, you are there to serve the needs of your students. It is your job to provide them with the information, resources, and tools to help make them successful. Before, during, and after class, repeatedly ask yourself, “What can I do to make this better for the students?” It’s not about you, it’s about them.

Mentor Leadership

There are many avenues for us to ensure accountability. A terrific way is to promote a culture of mentor leadership. Instructors who seek feedback on their performance and leadership values from trusted peers and mentors can apply that feedback to constantly improve their classes. A mentor could be someone you admire and want to learn from, or it could be a peer within your department whom you trust.

We all have a natural tendency to be self-deceived about our behavior. There are times we may not realize we're failing. It is important for all leaders to be held accountable for their actions. We all want to be praised by others and fear criticism. This natural fear or apprehension can lead us to avoid feedback on ways to improve our performance. Feedback from trusted mentors allows ownership of our performance and behaviors, but it requires us to check our egos and be open to the advice.

One of the best things about organizations such as ILEETA is that membership comes with a built-in cadre of mentors who understand this concept. The ILEETA Conference is filled with hundreds of members who are willing to help. If you can't make it to the Conference, use the member resources that are available on the website and Facebook. Using these resources, I've asked for help several times and received an overwhelmingly positive response. Don't be afraid to reach out and form connections with other members who could help you improve.

Personal Leadership

Instructors need to model the behavior they want to see in their students. Leaders are role models. Control tactics instructors need to be in good physical condition. They must be highly skilled with the ability to read danger cues for threat assessment information. Firearms instructors must draw from the holster each time as if a threat has presented itself. They must be able to demonstrate each drill or course of fire they are asking the students to complete. Driving instructors must

demonstrate safe driving under all conditions. Leaders lead by example, so instructors must set the example for their students by being consistent with their behavior.

Instructors who lack integrity in their personal and professional life are failing to set a positive example for their students. Leaders must be honest and trustworthy in their daily lives. All law enforcement officers should possess these values, but instructors must promote these ideals every day.

Final Words

Law enforcement is a noble profession, and instructors must ensure they uphold the principles of leadership. Be a mentor for your students and other instructors. Conduct yourself professionally and live by the ethics expected of a leader. Lastly, be the example you want to see in others. **ILEETA**

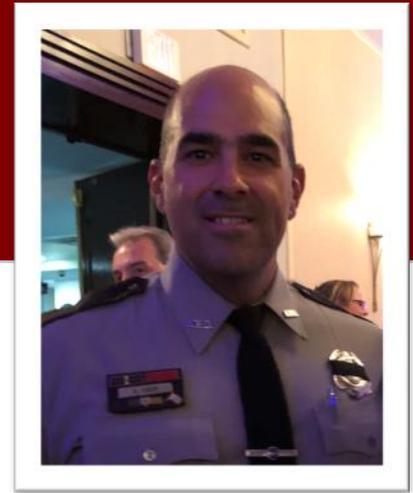
About the Author

Todd Fletcher recently retired with over 25 years of law enforcement experience. He has presented instructor development training at multiple ILEETA Conferences. Todd writes regularly for PoliceOne and Police & Security News magazine. As co-owner of Combative Firearms Training, LLC, Todd provides firearms training, instructor development classes, and consultation to law enforcement instructors and agencies. He can be contacted at Todd@CombativeFirearms.com.



To Pursue or Not

by Richard Caito



For any number of reasons law enforcement across the country have seen a dramatic rise in the number of vehicle pursuits recently but we aren't here to talk about what has contributed to this rise, we're here to discuss how we can protect ourselves from the dangers of these pursuits. The dangers can include the physical injuries we can suffer if we crash, the mental and emotional injuries we experience if that crash hurts or kills an innocent person and the liability dangers, we bring to ourselves, our departments, and our municipalities. Protecting ourselves means having to change the culture that we have been used to where chasing cars was just a normal part of the job, now with the advent of social media everything we do gets recorded, posted, shared, replayed in slow motion, and scrutinized by thousands of people, many of whom are not police officers and don't know or understand our procedures.

I can bore you with statistics on pursuits; why they were started, how they ended, how long they last, etcetera, and etcetera. The most important statistic in my opinion is the "why", why are most pursuits started? More than 75% of vehicle pursuits are started for very minor crimes, traffic infractions, stolen vehicles and suspected drunk driving, crimes where the driver and/or occupants don't pose a significant danger to the public if they are not apprehended. I don't want to turn this into a debate over the dangers drunk drivers pose to the public because we can all agree that a drunk driver does pose a significant danger to the public however does their immediate apprehension outweigh the risk to the rest of the public if we chase him.... driving drunk? I would say that it doesn't and would argue that we are putting the public in more danger because we may know, or at least suspect, that his ability to operate a motor vehicle is impaired by drugs or alcohol.

So, we have established that most vehicle pursuits are started for minor crimes where the driver and/or occupants pose no danger to the public which prompts the question, why then are we chasing these vehicles? Is it the thrill of the chase or the inherent need to 'get the bad guy'? Maybe both but whatever our motivation is we need to take a moment to de-escalate ourselves and analyze whether the risks are worth the reward, is the

danger this person poses so great that they need to be apprehended as a matter of public safety? If the answer is no, then we should

not be engaging in this vehicle pursuit, plain and simple.

Since pursuits are considered a use of force, we can apply the factors set forth in the landmark case of *Graham v. Connor* to help us decide whether to engage in the pursuit. The first, and most important in my opinion, would be the seriousness of the crime. Let's look at just a few different types of crimes and apply the *Graham* factors to help us decide if a vehicle pursuit is warranted. The first and most common is a traffic infraction, which isn't even a crime or an offense that we would ordinarily take a person into custody for, so if that's all you got you need not look any further into the other two factors because a pursuit should never be initiated based solely on a traffic infraction. Next let's say we have a shoplifter who has fled on foot and entered a vehicle which we attempt to stop, only they aren't stopping. At best, depending on the value of the merchandise taken we have a grand larceny, a felony (most likely only a petit larceny), a property crime. Is it worth it to initiate a vehicle pursuit that endangers the lives of innocent people to catch this offender and recover stolen property if the stolen property wasn't already abandoned at the scene? I say no it is not. How do we explain to the family of an innocent child crossing the street that their little one is dead because some criminal stole a pair of sneakers or cans of baby formula from the store then fled in a motor vehicle that we chased? How do we justify our actions in the court of public opinion, also known as, the media and social media, that we needed to apprehend this person and that the need to apprehend them outweighed the risks to the public? We now must cope with the mental and emotional stress of this terrible tragedy that we set into motion when we initiated the pursuit. This is another situation where absent some other information, we should not be initiating a vehicle pursuit. Next let's consider something a crime which is a little more serious but which does not usually justify the use of deadly physical force, a crime such as assault. A

domestic violence incident occurs between a husband and wife where the husband inflicts serious physical injury on the wife, flees in a vehicle which we subsequently locate and attempt to stop only he flees. Our first Graham factor, seriousness of the crime, is satisfied in my opinion so let's look at another. The next one we will look at, is the person actively resisting arrest or attempting to evade arrest by flight? Yes, we said that he's fleeing so two of the three factors are satisfied, let's look at the third. Does the suspect pose an immediate threat to the safety of officers or others? I say no he does not. Again, absent any mitigating factors the only person he posed an immediate threat to is the wife and since he's gone the threat is also gone. So, in this case I would say that initiating a pursuit of the husband is not justified, plus we know who he is, and chances are he's not going to go very far so we can catch him another day. Ok last one, a police officer is shot, and the unknown suspect has fled in a motor vehicle which we locate and attempt to stop but he refuses to. In this case all the Graham factors are met, murder or attempted murder is the most serious crime on the books, the suspect poses a danger to officers and others (I mean he just shot a cop, what more do you need?) and lastly, he's actively evading arrest by flight. In this case a vehicle pursuit is justified.

If you're a senior officer or a field training officer in your department you need to set the example for the junior, less experienced officers who might not fully comprehend the consequences of their actions if/when they engage in an unjustified vehicle pursuit. Remember they're new and at the point in their careers where they want to catch

bad guys but they're also at the point in their careers where they need to learn the right way to do this job that will protect them from harm and liability so it's incumbent on us, the experienced veteran officers, to make sure they do.

Having a restrictive pursuit policy may mean that some low-level offenders will avoid immediate apprehension, but it also means that more innocent lives will be protected as well as the lives of the officers involved. Often the identity of the offender can be found by traditional law enforcement investigative methods, and they will ultimately be apprehended and held accountable without us creating a danger to the public from a vehicle pursuit. I know this probably isn't a very popular opinion among young officers, and I find it hard to believe that I am advocating for restrictive pursuit policies because I've had my fair share of them, but that's the world we live and work in today and we need to adapt to the times if we want to have a long and healthy law enforcement career.

ILEETA

About the Author

Richard has been a police officer for more than 24 years and has served with the Town of Amherst (NY) Police Department for the past 18 years. Richard is a Master Police Instructor and has been a part-time instructor for the Erie County Law Enforcement Training Academy for 15 years. He is the lead EVOC instructor, and an instructor of Defensive Tactics and Radar/Lidar. He also serves as the coordinator/facilitator for the Instructor Development Course where he has trained and certified several hundred new police instructors. He is also a K-9 Handler/trainer.

Instructor Development

Editor:
Thom Dworak



Thank You!

by Thomas Dworak



A year-end message for all who are involved in criminal

justice training and development. Thank you.

I was having an email exchange with a producer of a criminal justice web-based training provider and at the end of the email, I added, "A big thank you to you for the important training you provide to the criminal justice profession. For many the training you deliver is the only training receive."

The producer was grateful and reaffirmed the importance of the effort, that goes into the training they provide. The producer wrote back: I'm going to print out what you just said below as a good reminder for those "not-great" days (there's never really a "BAD" day here!) Thank you for reminding us that people like (and NEED) us.

Whether you are an academy instructor, in-service trainer, or contract instructor, your efforts matter. They matter because your training leads to:

- Saving a life
- Stopping a lawsuit
- De-escalating a situation
- Writing a proper report
- Determining the outcome of an investigation
- Helping your officers make better decisions
- Influence the culture of your agency

Understand that you matter. It's not just another training course for the recruit who is experiencing your training for the first time. It's not just another in-service training

for the new hires in the organization. Your influence as a trainer (and leader) helps to shape the culture of your organization.

Shortly after the producer emailed me, I received another from the owner of the company. Which read, "thank you so, so much for this! I'm always hopeful we are having an impact but am also cautious about buying my own BS. Hearing from you makes it real..."

We can all use a pat on the back for the efforts put forth to provide training in the law enforcement environment. From a retired law enforcement officer now citizen, current academy, and contract trainer, thank you and stay safe. **ILEETA**

About the Author

Thomas Dworak is a retired Sergeant (31 years) from a suburban Chicago police department where he was the Field Training and Evaluation Program Coordinator and the Lead Defensive Tactics/Use of Force Instructor. As the Founder & Lead Instructor for The Adaptive Way, he develops and facilitates courses on Field Training, Leadership, Emotional Intelligence and Decision-making across the United States. Thom's knowledge of experiential learning, emotional intelligence, critical thinking, creative problem solving and decision-making shapes training from The Adaptive Way into programs for the changing environment officers find themselves in daily. Thom can be reached by email at thom@theadaptiveway.com.

Are *Education* and *Training* Synonyms?

by Kerry Avery, M. Ed.



I have seen numerous discussion threads on language and the words *education* and *training*. Is terminology just semantics or does it matter? Dictionary.com lists training as a synonym of education. I thought education and training were close enough to be interchangeable and it was not worth arguing about, until I talked about it with my training unit manager and she said one of her professors explained it to her with one question:

Do you want your children to receive sex education or sex training?

It is a bit crude, but that question instantaneously provides a vision of the difference. Education is theoretical and training is experiential. In a comparison chart on the Key Differences website, education is a typical form of learning and training is a method of skill development (S. 2017). Of course, there are education components in training with topics such as law and use of force theories, but I still consider this all part of training.

Core differences concurs:

The main difference between training and education is that training is the technique of acquiring new skills and knowledge to perform certain duties whereas education is the process of learning in the classroom to deepen knowledge and mindset.

I avoid discussions on semantics because they are rarely productive, but I think this differentiation is important because we are in the business of training. We need to understand and be clear about our role of giving officers what they need to do the job. The discussion on what is needed to meet that goal is vital and it starts with clarity between education and training.

What information and theories do they need to inform their decisions and actions? Then how do they need to apply that information? This is my definition of training but there is another train of thought that all information

and content is education, and the application components are training. If there was a defined education requirement to enter policing, we would need to differentiate

the education component from the training. In North America the education requirement is a high school diploma, college certificate or university degree but there is not a specific program requirement; therefore, the recruits are not arriving with the same education. This is the reason education is incorporated into police training.



When designing training I look at what they need to do. Then work backwards to determine what information they need to know, how it needs to be applied, and whether it is applied to a single type of situation or various situations. If there are a range of situations, the objectives will include analysis and decision making. The information forms the content, and the application drives

Synonyms...con't

the design of the exercises.

Assessments should also reflect the application. Often tests disproportionately focus on knowledge because it is the easiest to assess. This is a disservice to our training and the participants. Do not waste time with questions on rote memory for information they do not need to know to perform the job. For example, questions on statistics provided in the class. They do not need to quote the number of impaired driving charges laid in 2016, so why ask a question about it? The education component is not the point of the training.

Sometimes language is generally understood, and the arguments are nothing but semantics, but other times words matter. It is time to stop using the words training and education as interchangeable. If you are discussing a course at a post-secondary institution or one that is focused on knowledge and mindset, it is education. If it is a course that prepares a person to do a job, it is training.

Resource

S, Surbhi. 2017. "Difference Between Training And Education (With Comparison Chart) - Key Differences". Key Differences. <https://keydifferences.com/difference-between-training-and-education.html>

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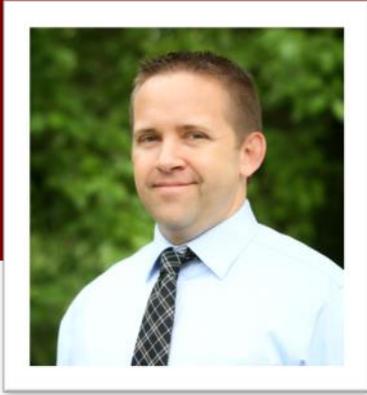
About the Author

Kerry Avery is the owner of [Odin Training Solutions Inc.](#) Kerry has a Master's degree in Education and over 18 years' experience designing training programs, with the last 12 years spent working with law enforcement to develop classroom, online and blended learning courses. In addition to course development, Kerry coaches and teaches law enforcement instructors on course design and facilitation. She has worked with agencies in Canada, the United States, and internationally with ICITAP in Central America and Ukraine. Kerry is the editor for the ILEETA Journal, and has presented at the ILEETA, IADLEST, and IACP conferences. She can be reached at Kerry.Avery@shaw.ca.



Suspect Interviews and the New Detective

by Detective Corporal Jim Twardesky



Congratulations, you were

assigned a homicide investigation and you have identified a suspect. It's now time for the suspect interview, what's the game plan?

The taking of another person's life is one of the most heinous crime against society once can commit and as such, these investigations can be intense and often bring intense scrutiny for the lead investigators. Interviewing the suspect is often the culmination of a lengthy investigation and when done well, can often bring the truth to light. To be successful, you have to plan ahead.

First things first, what is your plan for Miranda. Anytime a suspect is being questioned *and* in police custody, they are entitled to be advised on the right to remain silent and the right to have an attorney. Obviously, you are going to question them in an interview, so the issue becomes whether or not they are in custody.

If you do not read them Miranda rights, the burden falls on you to show that they were not in custody and any reasonable person would have known they were not in police custody. It's always best to discuss the issue ahead of time with your local prosecutor but for what it's worth, I would recommend advising on Miranda whether they are in custody or not. My experience has been that if a person wants to talk to you, they will do so even if they have been advised on their right to remain silent and consult an attorney. Once advised of the Miranda rights, any statements they make are fair game and it eliminates any arguments for the defense attorney to make later.

Once your past Miranda, the next step is to get the suspect talking. In the beginning, any conversation is good conversation. The best thing you can do is ask simple non-confrontational questions and let them talk. There are two reasons for this. One, if they are innocent, this is there chance to tell you what happened uninterrupted. Taking the time to hear them out is the best way to

gather the information you will need to clear them and move on to the correct suspect.

The second reason is that if they are lying, the more they talk, the harder it will be to keep their story straight. Lying is cognitively harder than telling the truth because you have to make it up as you go, not recall it from memory. If they are in fact guilty of murder, they only agreed to the interview to somehow benefit themselves. It could be finding out what you know or trying to convince you of their innocence but they are acting in their own best interest. The more they talk, the more they have to keep track of and the harder it becomes to keep the lie going.

Once you have let them talk for a while, the next step is to confront them with the allegations and see how they react. The specifics can vary but ultimately the murder suspect only has four possible responses and you should be prepared for whichever route they choose.

1. "I did it". Yea, they have confessed to the crime, case closed, right? Not so fast, once they confess to the murder, the issue becomes did they knowingly and willingly make the statement. Keep questioning them to help verify the accuracy of the confession. Are they mentally ill and making this up? Are they covering for someone or confessing out of fear for the real killer? Are they seeking notoriety by confessing to this crime? The key thing to remember is that the confession in and of itself is not enough. Keep gathering details that can be verified later on, the goal is to get to the truth.
2. "It didn't happen." This response is common in domestic violence, especially in child abuse cases. In this situation, the offender is trying to convince you that a murder never occurred and that the death was a tragic accident. Often In these cases, there will be a staged crime scene where the offender took steps to cover his or tracks. Details, details, details and a thorough crime scene investigation are key here. Instead of confronting them, try to ask questions that would be relevant if their story was true. It is nearly

impossible for the offender to have staged this death and thought of everything, keep patiently asking questions and the house of cards they built will eventually crumble.

3. "It was self-defense." In this response, the offender acknowledges killing the victim but is arguing that they were forced to do it in self-defense. The question at hand then becomes was it self-defense or self-justification. Your first focus is to get their full statement. Get them talking and only ask questions if you need clarification on what they said. Police officers know better than most, that sometimes, one is forced to defend themselves. This is that persons chance to explain their actions. If they are being dishonest, the truth will come out. Questions that need answered in the interview include the following. Could they have avoided the situation? What was going on leading up to the incident? Is it reasonable to believe the victim was a lethal threat to the suspect?
4. "It wasn't me". This offender is arguing that although a homicide occurred, someone else must have done it. The focus in these interviews is the evidence tying them to the scene. Once you have allowed the suspect to tell their story, focus on their alibi. If they did not commit the murder then they have must have been doing something else at the time. Focus on establishing a timeline so you can follow up on it later. Once you have locked them into their story, slowly start confronting them with the evidence of their guilt. Once the evidence is clear, they have to

pick between confessing or continuing to make statements that can easily be disproven.

In conclusion, the best way to be successful is to plan ahead and anticipate the offenders likely answer based on the circumstances of the case. There are literally hundreds of books and articles written on interviewing criminals along with numerous training opportunities offered throughout the United States to help improve your skills. There is also likely another officer in your department with a knack for suspect interviews who can help you along. Being patient and putting the work in ahead of time will be invaluable when the time comes for you to confront the homicide suspect. **ILEETA**

About the Author

Detective Corporal Jim Twardesky has been in law enforcement since 1999, currently serving as a detective for the City of Warren police department in Michigan. He has a bachelor's degree in criminal justice and a master's in public administration, both from Wayne State University. Additionally, he teaches as an adjunct instructor for the Macomb Public Service Institute and regularly lectures on the subjects of child homicide, sex crimes and interviewing child molesters through his company [Twardesky Consulting](#).

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**International Law Enforcement
Educators and Trainers Association**

LE Environment & Health and Wellness

Editor:
Kim Schlau



Law Enforcement Suicide Data Collection (LESDC)

by Karen Soloman



On January 1, 2016, Blue H.E.L.P. became the first and only organization to collect law enforcement suicide data year over year and support survivors in the aftermath. Offering aggregate data, advocacy for benefits, college scholarships, retreats and other emotional and financial assistance, our perseverance helped change the landscape of law enforcement mental health. While there is current legislation to expand benefits to officers lost to suicide or disabled for post-traumatic stress, one key piece of legislation will further the mission to reduce law enforcement suicide.

The Law Enforcement Suicide Data Collection (LESDC) launched as scheduled on January 1, 2022. With the help of the LESDC Task Force, the collection has been developed in accordance with the *Law Enforcement Suicide Data Collection Act*, which was signed by the President of the United States on June 16, 2020. This legislation mandates the FBI to collect information on incidents in which current and former law enforcement officers attempted or died by suicide <https://www.congress.gov/bill/116th-congress/senate-bill/2746/text>.

The collection resides on the Law Enforcement Enterprise Portal and may be accessed via the LESDC emblem. The FBI's new suicide data collection includes personnel on the street and behind the scenes, including those involved in prevention, detection, investigation, or prosecution of violations of U.S. laws. Submissions will not include retroactive data from this date. Data submitted to the collection is provided on a voluntary basis from the law enforcement agencies as noted within the *LESDC Act*. As required by the *LESDC Act*, the FBI will publish information about the LESDC in June 2022, on the FBI's Law Enforcement Explorer page (a subset of the Crime Data Explorer) at <https://crime-data-explorer.app.cloud.gov/pages/le/lesdc>.

While not perfect, this is a step in the right direction and, as a member of the LESDC Task Force, I strongly recommend you report your suicides to the FBI. It is because of you this important collection will compile much needed statistics geared toward saving lives.

What are the key differences between the LESDC and the Blue H.E.L.P. (BH) data collection? With 5 suicides to date in 2022, BH remains the focal point for departments seeking financial and emotional assistance for the families which is why we may capture the suicide more quickly than the FBI. This is a known issue and BH will continue to collect data and collaborate, within our rules or confidentiality and the laws around the collection, to ensure all suicides are captured.

The FBI collection expands upon the definition of law enforcement to include non-sworn staff whereas BH collects them with the thought "if they would go on the wall in DC if they were LODD, they go on our wall". The BH criteria is restricted to correction and law enforcement officers therefore by including judges and other staff, the FBI number may be higher overall but it can be easily segmented by category and job description.

The data collection points (over 50) are essentially the same between both collections with the FBI collecting more detail on their job history.

The biggest difference, and potential issue, is the method of collection. BH is a non-profit organization with no political affiliations. The data and names of families has always been kept confidential unless the families want it released. Submissions are made through a form on an open website by family, friends and co-workers; found through internet searches, or submitted via text, email or other personal communication. The FBI is a governmental organization which requires submission by law enforcement, families are not able to submit; they won't

get the complete backstory from the family or key details of the moments before death. The submitter must be able to access LEEP through an official account, if they don't have one, one must be created.

There's been a huge shift in the stigma associated with LE suicide, but it's not enough. This is where you come in. We know there is a hesitancy to report anything from a work account and to the FBI. There is a fear of retribution and a desire for the process to be easy and untraceable. This data collection wasn't created to punish anyone or to be used as a way to penalize those who choose to report a suicide. It was created so we can readily understand the number of deaths as we do with LEOKA. It was created to continue to eradicate the stigma associated with suicide, provide funding for hands on programs and advocate for those we lose.

As someone who has heard thousands of stories from friends and families of officers lost to suicide, I'm asking you to take the time to report to the LESDC. Make this a

priority. Encourage others to do so. Open the conversation, create the trust, this is what we have been working toward – a federally funded data collection which will not only affect change, but normalize support. Still not ready to report to the FBI, continue to report to BH, we will always support the families and we will continue to work with the FBI to improve their data collection.

I'd love to hear your thoughts on this important piece of legislation, feel free to contact me at karen@1sthelp.org.

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Understanding the Dark Triad of Personality and Beyond

By Martin Smith



Those we would class as being manipulative, controlling and out right impossible to

deal with can display personality traits within what is known as the Dark Triad. Even more potentially damaging and challenging are those within the model known as the Dark Tetrad which include those classed as having a Sadistic Personality. We are intrigued, puzzled but often easily damaged by these individuals. Understanding these personalities can be of great benefit in both work, life and even relationships.



The Dark Triad consists of three overlapping, trait distinct personalities, these being, **Psychopathy, Narcissism and Machiavellianism.**

They all share three core traits of which many of you who have had anything to do with these personalities will know only too well. These core traits are, **Manipulation, Callousness and Selfishness.**

It does not take much to see anyone in the Dark Triad is bad news, yet why do we struggle to see what clear and present danger is. There are several reasons why people get caught up in these very toxic personality types and why they fail to realise they are caught up before it is too late.

One of the first things to point out is that if you do get caught or what I term played by an individual in the Dark Triad it does not mean you are weak, stupid, foolish, or

blind. What we must realise and consider is those in the Dark triad are good at manipulating and controlling others and not in a good way.

Some of the common traps we can all fall into when dealing with a highly controlling and manipulative individual include:

A naïveté expectation - we like to see the best in everyone and believe that everyone can be reasoned with and trusted to do the right thing by all, not the case with those in the Dark Traid.

Cognitive Dissonance - we strive for internal consistency and when two contradictory ideas or concepts are experienced at the same time it produces a discomfort and dissonance in us. We experience situations and interactions which usually go one way with most people but not with these individuals. This leads to confusion and disbelief in our usually understanding of our World.

Incremental Acclimation - if things happen suddenly, we notice them. If they happen gradually over time in small doses, we don't notice what is happening until it is too late, this is so common with Dark Triad personalities. A common termed used around this is "Gaslighting"



Projective Identification - this is the idea that this must be me, it must be my fault. The controlling / manipulator is very good at making everything someone else's fault and over time we buy into this idea.

Our own disbelief in what is happening coupled with the skill of the person to put the blame on us leads us to this

very damaging trap and the idea that we must be a bad person.

Hoping for change - this is a classic trap! Everyone has the capability to change but two key things must be in place for that change to occur. One the person must recognise there is a problem and two they must want to change. With individuals in the Dark Triad, we fall at the first hurdle as they do not recognise there is a problem in the first place and if they do, it is your problem, not their's, and so it is you who needs to change.

The main approach from an individual in the Dark Triad is one of attack and so they do not have what we might call defence mechanisms but rather control strategies. Understanding these strategies can greatly help our initial management of this type of person. What do these personality types do to control and manipulate people they encounter?

Psychopathy personality - Act out / intimidate, they put you on the defensive and make you feel like you are wrong or just stupid for even trying to challenge them.

Narcissistic personality - Rationalise / question, "why do you say that?" "So really is that what you think this is about?" These questions are set to do one thing, create doubt.

Machiavellian Personality - Low key flattery / deflection, the Machiavellian is perhaps the more cautious of the three and will not be as open in attack but will certainly aim to deflect any blame or suspicion coming their way by deflecting issues or using flattery so you lower your guard.

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About the Author

Martin Smith is a retired Police Inspector with 25 years policing experience. He is now a specialist training consultant specialising in dealing with manipulation and controlling types in the workplace and a senior lecturer in social sciences at Nottingham Trent University. He is also a qualified Psychotherapist in private practice with over 20 years clinical experience. Martin is presenting on this subject at the ILEETA Conference in March 2022.

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Liability Issues Related to Poor Interview Training

by Bruce G. Pitt-Payne



Have you been living in a cave for 20 years?

In 1974, Imperial Japanese Army Intelligence Officer Hiroo Onada surrendered to Philippine President Ferdinand Marcos after living in a cave since the end of World War II. Imagine what he missed while

continuing to serve his country an additional 29 years: the Vietnam War, the British Invasion, hippies, Star Trek, and the moon landing. Imagine how hard it must have been to understand the new world into which he had emerged. Most people would have accepted any issues he had without question. I mean, he had a good excuse for not being on top of things. I suggest that, if he had become a military consultant, it would have been reasonable for him to have talked about strategic use of fighter planes instead of the jets that had become the dominant military aircraft during his seclusion. Although he might have been considered “old school” or “*passé*”, he probably wouldn’t have been deemed legally negligent, due to his circumstances.

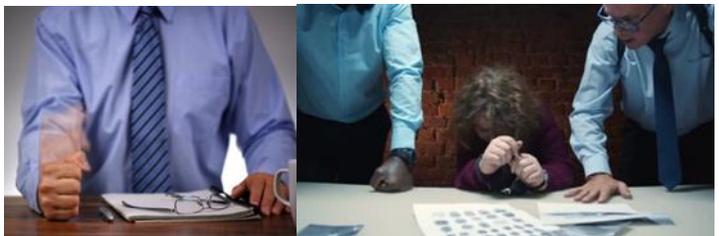
As an organization responsible for arranging interview training for your investigators, would you be judged the same way, afforded the same latitude, if you knowingly allowed obsolete material to be taught? What if one of the students later interviewed a suspect and obtained a false confession that led to a wrongful conviction? Could you be sued for negligence? According to *Hill v. Hamilton-Wentworth Regional Police Services Board*, [2007] 3 S.C.R. 129, 2007 SCC 41, the answer is a resounding yes. It would be prudent to become familiar with the following passage from the ruling, as it could save you and your organization grief:

“The police are not immune from liability under the law of negligence and the tort of negligent investigation exists in Canada. Police officers owe a duty of care to suspects. Their conduct during an investigation should be measured against the standard of how a reasonable officer in like circumstances would have acted. Police

officers may be accountable for harm resulting to a suspect if they fail to meet this standard.”

Unless you have been living in a cave for the past 20 years, you might not have a reasonable excuse for providing training that is inconsistent with current best practice. This paper is designed to help you understand how much investigative interviewing has evolved, so you are able to confidently and competently choose the right people to provide interview training.

Be skeptical of interview training containing the following characteristics



Confrontational approach (coercive)

Although the ability to choose whether to speak to the interviewer could be deprived by many interviewer behaviours, aggression such as yelling or pounding desks is a strong indicator that the interview technique is no longer acceptable, at both a legal and ethical level. Confrontational behaviour is the antithesis to the rapport and empathy required to motivate a suspect to choose to talk to you. If you need more research into this, go into a bank to ask for a loan and yell at the Loans Manager. Feel free to update me on how that worked out for you.

Accusatory approach

If you are still being taught to accuse the suspect of having committed the offence for which he is being interviewed (“*There’s no doubt in my mind that you are the one who took the money*”) and, then, to convince him

Liability...con't

of your confidence through presenting evidence, sometimes fabricated, and minimization themes (see below), you are increasing the likelihood of obtaining either an involuntary or false confession. Although there may be times where an accusation would be appropriate, they should be the exception, not the norm. The risk assessment is complex, and requires vast training and experience. Even then, it is not foolproof, often due to the biases inherent to an accusatory approach. Whereas an accusation may not, in itself, lead to a false confession, the risk increases when used in conjunction with stopping denials and minimization themes.



Confession-oriented approach



If you are being taught that your goal is to obtain a confession from a suspect as opposed to information of high quantity and quality, you may be

walking a perilous path. Professional interviewers seek information, in such relevant detail that it increases its investigative value. This means that it could be compared and contrasted to other evidence; thereby, allowing the investigator to learn what may be the closest thing to the truth about what happened. Skilled interviewers know that the best practice would be to allow the suspect to

choose to present her own agenda, meaning whatever she wanted to say, however she wanted to say it. Top interviewers know that detailed information, even if it were a complete or partial lie, is often as valuable as a confession. If your course outline speaks to “*getting confessions*”, look elsewhere.

Uses minimization themes (face-saving ways to confess)

If you are being taught to give the suspect face-saving ways to confess, it shows you are still confession-oriented, and accusatory. You cannot tell someone they would look or feel better if they confessed, unless you were in fact telling them they did it and you wanted them to tell you they did. Additionally,



minimization themes, reasons for committing the alleged offence that come in the form of reducing the moral gravity of the act through rationalization, or projection (blaming), could deprive some suspects of their ability to choose whether to talk. Whereas speaking to a suspect’s spirituality or moral compass may not be ultimately dangerous, suggesting that they would look like a monster to their friends and family if they remained silent could be. In the same way, it would be improper to give a suspect a face-saving excuse by blaming the victim (*she started it*), an organization (*I’m sure you wouldn’t have taken the money had your company had a better security system*), or the circumstances (*if COVID hadn’t shut down your restaurant, I’m sure you wouldn’t have had to set fire to it*).

Discourages denials and other agendas in conflict with the interviewer’s beliefs



The old-school saying was, “*allowing a suspect to deny, will lead to continued denials*”. This is why interviewers were

taught to shut down denials early. The theory was that the suspect might, then, switch to listening to the rationalization themes, accept them, and eventually confess. This was achieved by either placing your hand up in a stop gesture and/or telling them to stop denying. These archaic courses also taught the interviewer to handle (stop) what are called "objections", which although not full denials, could reduce the suspect's cognitive dissonance because of the wording. Whereas a full denial would be similar to, "*I didn't do it*", an objection would be when a suspect tells the interviewer something like, "*I would never sexually assault a woman. I was raised to respect them*". You will notice that the objection might be close to a factual claim in that he usually wouldn't sexually assault a woman, and he was probably raised to respect women. For this reason, from a conversational perspective, it would be unwise to argue with the suspect. In many instances, it would be more effective to agree with him, and use his own words to launch more conversation through productive questioning. For example, when faced with the objection offered above, you could say something like, "*Thank you for telling me that. I don't doubt for a moment that you were raised to respect women. I guess I should make this simple and ask you the most important question. Did you touch her breast?*" Even if the suspect answered with a no, that agenda would not convey a decision not to speak. It could lead to further conversation that could exonerate him. It could also indicate a decision to lie. Either way, it gives the interviewer a launching pad to generate more information; thereby, satisfying the interview goals. In retrospect, I question how often we impeded the acquisition of information by stopping denials. Even the word "*no*" is information, so it should be probed further, not stopped. The new mantra should be, "*If the interviewee's lips are moving, even if they are giving a denial, inwardly do a happy dance and keep him talking*".

Uses pseudo-scientific deception detection techniques

Science has shown us that our ability to detect deception by analyzing body language (includes both physical and verbal cues), is only slightly more accurate than a coin toss. At 54%, a rate close to guessing, there is little value

in attempting to assess an interviewee's honesty, particularly since the biases caused by that guess could prevent the interviewer from remaining truly impartial. If you're being trained to detect deception using any method other than comparing and contrasting what was said with other evidence, you are being misled. Even if you are taught to look for "*clusters*" of deceptive behaviour, or "*red flags*" of deception, the teacher is either uneducated, or the one who is lying.



Doesn't stress the use of electronic recording:

Since the difference between a lawful, ethical interview and one that is neither, is often found in the behaviour and language of both the interviewer and the interviewee, it would be best practice to capture the content of your entire interview on audio and video. The use of a recording device does not scare people from taking part, once the reason for it has been explained. In actuality, it shows anyone who reviews your work (supervisor, prosecutor, defence lawyer, judge, media, scholars) that you are a professional investigator who is proud of your work. Let them know that you have followed the best practices of investigative interviewing such as productive questioning, and avoided the coercive elements of old-school interrogation models. Prove to everyone that you were able to obtain information in a conversational process, one that would illustrate the

voluntariness and reliability of anything mentioned.

Doesn't stress the incredible value of rapport, within a conversation management framework



Beware of any technique that doesn't emphasize that rapport is the primary determinant in achieving your interview goals. Some may convey that rapport is simply an act of bonding between the interviewer and interviewee by being nice and friendly during small-

talk, but there is much more to it. More bridges are built when the interviewer takes the time to make the interviewee know that she is the most important part of the process. This is achieved by explaining your role, how an investigation works, and what the interview process will be like. Make it an engaging conversation, that will blossom and thrive throughout the information-gathering component. Keep in mind that rapport should not be used just to minimize the poor optics of the old accusatory, guilt-presumptive, confession-oriented approaches. Although uneducated teachers still stress the use of rapport, it doesn't fix the bad parts.



Doesn't explain the science of memory

To be a good interviewer, you must be able to recognize what real memory looks like, and how to apply truly scientific research to enhance recall, while refraining from contaminating the memory while it is being acquired,

stored, or retrieved. A robust course should speak to the idiosyncratic nature of memory, including the potential and varying effects of trauma. Without this lesson, the risk of judging an interviewee based on either a cookie-cutter approach or the "me trap" (how the interviewer believed he would have said it), heightens the dangers of incorrectly assessing credibility. You don't have to have degree in forensic psychology to know enough to be professional and safe.

Doesn't speak to biases, stereotypes, and prejudice

Being creatures of our environment, it would be hard to be stereo-type or bias-free. We are the result of parents, teachers, religion, and many other influences that arguably shape every decision we make. Our view of the world is based on the lenses placed in our glasses by all our life experiences. This means that we all, interviewers and interviewees, have biases, stereotypes and prejudices. Although the goal of an investigative interview is not to change an interviewee's biases, the interviewer should be aware that they exist, and that they may differ from his or those of other witnesses. This allows for the requisite acceptance, that might reduce our desire to change as opposed to listen. If nothing else, it could lead the interviewer to refrain from inserting, even unintentionally through loaded question wording, her biases. In short, if an interviewer doesn't understand how disastrous the insertion of interviewer bias could be, he probably wouldn't use what he had learned about the value of truly productive questioning skills for long after completing the course.



Doesn't speak to the potential dangers of using trickery and deception

In *Rothman v. The Queen*, a pre-Charter ruling of the Supreme Court of Canada, Justice Lamer held that “*the investigation of crime and the detection of criminals is not a game to be governed by the Marquess of Queensbury rules.*” In *R. v. Oickle*, the Supreme Court of Canada’s post-Charter assessment of voluntariness, it was ruled that the *Modern Confessions Rule* should delve into a police interviewer’s use of trickery and deception in relation to its effects on the voluntariness of any utterance. It was suggested that police trickery and deception could be used, as long as:

1. it didn’t deprive the suspect of his ability to choose whether to speak (coercion), and;
2. it wouldn’t shock the conscience of the community (bring the administration of justice into disrepute)

These guidelines speak to both the legal and ethical considerations, allowing it to work well within the contextually-based framework of investigating human action. An example of trickery that could lead to coercion would be the presentation of evidence that did not truly exist. An example of shocking the community conscience would be pretending to be a priest and asking for a confession to relieve the suspect of spiritual sin.

Doesn’t emphasize that an interview must live within an investigation



The best investigative interview courses don’t teach interviewing in isolation of basic investigative skills. As the title implies, an investigative interview can only be conducted

effectively and efficiently within the parameters of an investigation. This means that it would be futile to teach someone how to ask questions and to assess the received detail, when they wouldn’t know what they needed or what it meant. For this reason, the planning phase should include discussion on the elements of the potential

alleged offence (the ingredients of the offence recipe, often found within policy or legislation). Launching into an interview without knowing what you are investigating, is akin to playing a board game without having read the instructions.



Doesn’t explain the science behind effective evidence presentation

Science has taught us that suspects don’t choose to talk to us just because they know we have the evidence to prove their guilt. In fact, a person is less likely to speak to us, **because** we showed them too much evidence. It has been surmised that the practice of showing your cards early, might lead the suspect to believe that the interviewer has already come to a conclusion of guilt; thereby, minimizing any incentive to explain the situation. This practice; therefore, contradicts the goal of persuading the suspect to be the one who provides the information. Current interview models should emphasize the scientific strategies behind the presentation (the Strategic Use of Evidence Theory), coupled with the proper ways to tactically respond with specific evidence, keeping in mind that the evidence should be used to generate or launch conversation, as opposed to garnering a confession.

Additionally, presenting evidence to a suspect, or a witness, could be suggestive at the least, and contaminative at worst. A skilled interviewer recognizes that the weight of an interviewee’s statement could only be accurately assigned when the source of that information were the real memory of the person being interviewed, as opposed to detail that might have been

picked up from the interviewer. The art/science of presenting evidence is often a process where less is truly more.

Not presented as a framework (presented as a linear/cookie cutter model)



Experienced interviewers who have become well-versed in the idiosyncrasy of human behaviour know to avoid the pitfalls of doing everything the same every time, or having a “never/always” mindset. The best teachers inspire the new interviewer to avoid thinking of an interview as a linear

model or protocol done the same way for every interview, and to visualize it as a sequence of phases to be used as and when necessary. No two interviews should be the same, as no two interviewees or circumstances would be identical. Whereas even a chimp could learn most protocols, a proficient interviewer should know the craft well enough to respond throughout the process by considering when and where to employ the available components, in a manner that would help to achieve the goals of obtaining complete and reliable information. If a course lists off a number of steps that are to be followed for every interview, be very insulted. The curriculum designer has already labelled you as a chimp.



Lack of scenario training that is realistic and includes feedback

I've taken courses that didn't have any scenarios, some

that have had unrealistic scenarios, and others that had great scenarios but lacked any feedback. Neither of these courses were of value to me or the organization that had paid my way as, like many adults, I don't fully grasp the material until I've been given the opportunity to learn from my mistakes. Even though courses do require front-end loading that is pure teaching as opposed to doing, the real learning comes from putting the knowledge to practice. Prior to booking a course, you owe it to yourself to ask if there will be scenarios, and what they are like. An added benefit of the scenario work is that those assigned a specific feedback role, while a colleague is the interviewer, get the opportunity to be a teacher; thereby, enlarging her envelope by having to scrutinize another person's technique. Often, the best courses have the following components: instructor teaching, videos to illustrate the material, scenarios as an experiential tool, and peer feedback to help both the interviewer and the students giving the feedback.

Doesn't speak to false confessions



Professionals continuously assess risk, meaning they are aware of and accept the inherent dangers of what they do. There are voluminous studies showing that a downside to any investigative interview is the potential that a person might either admit to doing something he didn't do, a

false confession, or feel obligated to talk, in an inherently unreliable, involuntary confession. An investigative interview practitioner, in order to minimize the risk of false confession, should be versed in the possible causes, and how they present. The required awareness and acceptance by the student is often born from robust discussion during topics related to memory, bias, and recording methods. For those who have been told that a specific interview model could not cause a false confession, keep in mind the following points: due to the idiosyncratic nature of our interviewee's, we can never truly control the effect of our interview on their choices; and, some people may choose to provide a voluntary false confession, regardless of what we do. I guess

another critter we don't want to be is the ostrich.

Conclusion

A major part of being a professional is being willing to be held accountable for your decisions and actions. That is how we continue to improve and fulfil our role without causing harm to others. A poor investigative interview could cause a wide spectrum of damage, ranging from an innocent person being found guilty of a crime he didn't commit, to a guilty person avoiding detection for a crime he did commit (allowing him to continue hurting people). I hope this paper has helped those of you charged with planning your organization's training, by highlighting areas that require scrutiny in order to avoid being accused of being negligent regarding your choice of investigative interviewing trainer.

Resources

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About the Author

Bruce Pitt-Payne honed his skills as a major crime investigator and interviewer during his 26-year career with the RCMP. He finished his police career as the Program Manager of Investigative Interview Training for the RCMP's Pacific Region, where he played an integral role in designing the RCMP Phased Interview Framework. He currently consults and teaches internationally. When not working, he enjoys his life in Maple Ridge, BC, with his family, which includes two furry pals named Frankie and Murphy.

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Ramblings of an Idiot

by Dr. Matt Steihm



Kim Potter of Brooklyn Center Police Department was convicted for an

accidental shooting, a tragic accident. But an accident nonetheless, there was weapon confusion on that fateful day. Mr. Wright shouldn't have been killed, but he also could have followed the directions of law enforcement and no one would have suffered, anything more than the loss of time. As a result of Derek Chauvin, and Kim Potter, Minnesota is a hotbed for law enforcement. The powder keg has been lit and we are waiting for the next big explosion.

The reality is these events both deal with rookie officers, training, and understanding the Graham Factors. There are also political whims and societal ills that were apparently being addressed but sadly those two things are just providing lip service and real substantive change will not come because it will be like fingers in a dyke.

But what we as a profession know now is that we are under a microscope by professionals and pundits who do not understand the realities of street law enforcement. They are driving the bus for a change and it looks like the short bus of change when it should be a tour bus.

What the industry needs to do know is collectively stand together and demonstrate that we are competent professionals. We need to provide a full unbiased review of our departments by critical subject matter experts. To provide for a robust defense against those who wish to harm us.

To that end, I communicate with civil and criminal attorneys to understand the other side of the arguments. Oddly enough we agree on most topics. They do not want criminals out causing crime and they don't want abusive police.

But what can you do to help your organization? First and foremost we need to understand that Sir Robert Peel and his Peelian Principles are never more true than today.

The police can only police to the level which the community will allow. But how do agencies and communities reconcile with something that is happening in a fly-over state or a more progressive area of the country? Today's global world community is defined in many different ways. There is the vocal minority, the silent majority, the criminal element, and the law-abiding citizens.

Local leaders including politicians need to understand what is important to their community. But sadly CLEO's and politicians are bowing to national pressure. Agencies need to stand tall for their officers. They need to recruit, hire, train, and retain top-quality candidates.

Focusing on training the ILEETA conference is a great way to keep up on national trends, connect with top trainers, and recharge your batteries. But what happens if you cannot attend ILEETA?

If you are a wet behind-the-ear rookie officer or a char grizzled veteran training is one thing that prepares you for the trials and tribulations of the career. When I started twenty-plus years ago training focused on the proficiency of route skills. As I progressed in my career training transitioned to deal with the hot button topic of the year or more correctly what happened the last year because we as a profession weren't clairvoyants for couldn't see the problems ahead of time.

The past three to four years, my training has focused on dealing with emotionally disturbed people, cultural sensitivity, and implicit bias concepts. These concepts are already addressed in law enforcement training. We just fail to articulate how and where we measure or provide instruction on these topics.

The key training topic that should be sought, taught, and fostered internal growth is that of critical thinking. The laws that govern police work provide for deference, really protections for officers if they can merely, and reasonable articulate their actions. It is when officers can't articulate anything do we get into trouble. I am reminded by my

colleague Jim O at the Mahanomen County Sheriff's Office (Mn) the cover-up is always worse than the sun. It is when officers fail to understand their lawful authority and obligations that they get into trouble. Even if there's a transgression, if it is a mistake of the heart, made with good intentions the officers will more than likely be protected to some degree.

The problem becomes when leaders, lawyers, and social justice warriors step into our arena and we don't step up to them. We shrink back and hide as a profession. We stand on old platitudes of that is the way we have done it for years, without an understanding of the legal or authoritative precedents and legitimate justifications. We fail to know our history. **ILEETA**

About the Author

Dr. Matthew J. Stiehm has received an Educational Doctorate from Argosy University, where the focus of his research was higher education campus safety and security. Out of his research Dr. Stiehm has published articles and has been interviewed on topics related to

campus safety, security and law enforcement. Dr. Stiehm also has a Master's Degree of Criminal Justice from Central Missouri State University, with his final paper focusing on the investigation of child abuse and finally a Bachelor's of Science from Wayne State College, Nebraska. He has served as a police officer in three states (CA, MN and NE), he keeps current on law enforcement trends most recently he conducted an 8-month study with Columbia Heights Police Department (MN) on Community Policing. Dr. Stiehm and the CHPD published the study and wrote an article that was accepted into the International Association of Chiefs of Police Magazine. Dr. Stiehm currently is a member of ILEETA. Dr. Stiehm recently exited full time law enforcement working as Police Officer for the White Earth Tribal Police on the White Earth Indian Reservation. As part of that full time work, he was the lead trainer for the agency in Use of Force classroom, and hands on tactics (except firearms). Dr. Stiehm is still licensed as a police officer in Minnesota and working part time for Clear brook Police Department.



Through the Covid Looking Glass

by Traci Ciepiela



I survived Covid. I am sure there are a lot of you reading this who had Covid, and successfully recovered after a couple of weeks. When I say I survived Covid I mean I survived almost suffocating to death. My oxygen level when I finally called for an ambulance was just at 65. I was cyanotic and I was slowly suffocating to death. I spent a week in the hospital, first listed in very critical condition. The CAT Scan of my lungs, taken because the doctor feared I had a pulmonary embolism, revealed a disco ball of scar tissue and pronounced pneumonia in both lungs.

The week I spent isolated in a room with only visits from nurses, respiratory therapists and medical techs throughout the day, I struggled to keep my oxygen level above 80 and then 85 during the first few days of hospitalization. The blood test that predicts the possibility of developing blood clots was almost off the chart high which meant multiple injections daily into my stomach, IV medication, oral medications too many to even count. A couple of my nurses admitted to me as I got better that they really didn't think I was going to survive.

There are a number of things I learned during this experience. Things that might actually surprise you because they surprised me. While I am now 4 months past my week in the hospital, I am still dealing with some of the after effects. Those would include hair loss, headaches, and having to try to rebuild any muscle. When I first took a walk in the hospital, I barely got to the end of the hall only about 50 feet away before I knew I was done, both exhausted from the effort and I had very little muscle left. Whether it was the atrophy from being in the hospital or the lack of sufficient oxygen for so long, I literally left the hospital barely able to walk. I am now faced with the joy or punishment of having to try to rebuild.

I started with swimming and have successfully been able to swim a mile non-stop. That took more than two months to accomplish. I can now successfully walk a mile

and bike for about 30 minutes. And to think two years ago before Covid hit I was thinking about training for a half Ironman.

I learned that a couple friends truly helped me along the way. They helped keep my family informed, they managed to obtain some things and brought them to the hospital to make my stay easier. But what surprised me and what I learned from my friends is that not everyone is going to be in your corner. Surprisingly enough a number of friends outright were mad at me for getting sick. They almost seemed outwardly hostile toward me after I got out of the hospital. It wasn't like I was trying to get sick, it wasn't like I sought it out. I, to this day still have no idea where I contracted it. I also noticed a number of acquaintances when they found out I had been sick immediately accusatorily asked about my vaccination status as if it was their business.

When I got home, and this is the important part of this discussion, I realized that so much in this world isn't worth worrying about. So much in this world is not worth the energy we give to it. When I was discharged from the hospital I came home and looked around my house. I realized that had I not survived, the only thing in my house that I really cared about were the two furry creatures I share my home with. That was really it. Nothing else here was something I really cared about. I assume my family would have put everything up for sale, maybe saving some photo albums or just pictures, but everything else probably would have gone on sale in an estate sale. It is strange to think about.

It shouldn't take almost dying to realize what is truly important in life. So, no matter what you have, hold it dear, hold it close. You don't need to almost die to start today, weed out the worthless stuff and energy paid to things that don't matter and focus on the things that do. Even if all you have are your pets, become the best pet

parent you can be. Believe it or not I wasn't concerned with whether or not I survived. I knew I have done more in this lifetime than some people do with two. I have been around the world twice, I have done things that I never thought I would and I got to be a part of the law enforcement profession, something that was my honor and privilege to be a part of, and thank you all for the experience because it was the best time of my life, some of the worst but mainly some of the best times I have ever had.

I survived Covid, and honestly it was a learning curve afterwards. You don't have to experience the week-long hospital stay to learn what I learned. Don't wait to start focusing on the things that really matter. Time spent on things that don't really matter in your life is energy wasted. Focus on the things that count. Say the things you need to say. Drop the "friends" who really aren't your friends. And most of all, live. Don't wait for "someday" to

do the things you really want to do. Take that trip. Do the race. Learn something you have always wanted to learn. Figure out what is important to you before it is too late.

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About the Author

Traci Ciepiela worked as an officer for 14 years in Missouri while obtaining a Masters Degree in Criminal Justice and additional Post Graduate Education. She lives currently in Iowa teaching in the Police Science/Criminal Justice Program at Hawkeye Community College, in Waterloo.





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Please provide verification that you are an instructor in the field of criminal justice. Describe in the space provided the nature of your instruction/training. Additional information such as trainer certification or testimonial/reference letter may be attached to this e-mail/mail/fax (two documents maximum). We will contact you if additional information is required.

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