



Audit Report

Use-of-Force Training Audit Vermont Police Academy

October 10, 2019

International Association of Directors of Law Enforcement Standards and Training
2596 N Stokesberry Place, Suite 160 Meridian, Idaho 83646

The International Association of Directors of Law Enforcement Standards and Training (IADLEST) is an international organization of training managers and executives dedicated to the improvement of public safety personnel. IADLEST serves as the forum of Peace Officers Standards and Training (POST) agencies, boards, councils and commissions as well as public safety training academies.

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Vermont Criminal Justice Training Council
Richard Gauthier, Executive Director
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Dear Director Gauthier,

At the request of the Vermont Criminal Justice Training Council and pursuant to State of Vermont Contract #37731, dated February 2, 2019, the International Association of Directors of Law Enforcement Standards and Training (IADLEST) conducted an audit of the Vermont Police Academy's use-of-force training for entry-level officers with a specific focus on participant safety and injury prevention. This report was authored by Jon Blum, a 28-year veteran of the law enforcement industry. He is a nationally recognized subject matter expert in both use-of-force and curriculum development. Jon's resume and case vitae are attached to the report.

Please contact me if you have any questions.

Sincerely,

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I. Introduction

The primary catalyst for this report stems from injuries claimed to have been sustained by some entry-level recruits during use-of-force training at the Vermont Police Academy (VPA). Findings and recommendations offered herein were formed after reviewing documents provided by the VPA, telephone interviews with Academy staff, and previous on-site visits at the Pittsford, Vermont facility. Documents in the table below are cited in this report when applicable as footnotes.

Documents		Notes	Pages
1	Medical History Form	VCJTC	12
2	Physical Examination Form	VCJTC	4
3	Basic Training Recruit Manual	VPA	57
4	Basic Training Orientation	Vermont Police Academy; .pptx	12
5	Injury Reporting SOP	VCJTC	2
6	HTH Tactical Handcuffing	Safariland Training Group	125
7	Defensive Tactics (MDTS)	Safariland Training Group	154
8	Monadnock® Expandable Baton	Safariland Training Group	142
9	Monadnock® PR-24® Control Device	Safariland Training Group	130
10	UoF & Tactics (MAPS)	VPA	84
11	UoF & Tactics (addendum)	VPA	15
12	UoF & Tactics (Basic Class: Student)	VPA; .pptx	254
13	UoF & Tactics (Instructor Course)	VPA; .pptx	290
14	Written & Proficiency Tests: Student	Safariland Training Group	20
15	Written & Proficiency Tests: Instructor	Safariland Training Group	125
16	UoF Scenarios 1-4	VPA	8
17	Student Scenario Evaluations	103-107 classes	192
18	Use-of-Force Training Rules	VPA	1
19	Annual Injury Reports	VPA (2018; 2019)	22
20	Annual UoF Training	VPA (2017; 2018; 2019)	62
TOTAL			1691

II. Findings

A. Use-of-Force Curriculum

The basic academy use-of-force curriculum takes 60 hours to deliver. The number of hours and methods used to deliver use-of-force training at the VPA are consistent with other state criminal justice training councils (commonly referred to as POSTs). Some of the training materials used by the VPA are published by The Safariland Training Group, a private corporation that is widely recognized by the law enforcement industry.

1. Topics

Approximately 12 hours of content is covered in the classroom with the remaining devoted to “hands-on” skill development, practice and performance testing. Use-of-force topics covered include the following:

- a) Legal: Includes relevant case law, 4th Amendment, objective reasonableness standard, and civil liability.¹
- b) Foundational concepts: Includes physical and mental preparation, balance, distance, muscle memory and fight-or-flight responses.²
- c) Handcuffing: Includes tactics for handcuffing in multiple positions (e.g., suspect is standing, prone, etc.) and circumstances (e.g., when suspect resists).³
- d) Defensive Tactics: Includes blocks, holds, takedowns, and weapon retention.⁴
- e) Baton: Includes methods for using straight and side-handle batons.⁵

¹ Use-of-Force & Tactics PowerPoint Presentation; Vermont Police Academy

² Use-of-Force & Tactics PowerPoint Presentation; Vermont Police Academy

³ HTH Tactical Handcuffing & Defensive Tactics System Program; Safariland Training Group

⁴ Defensive Tactics System Program; Safariland Training Group

⁵ Monadnock® Expandable Baton & Monadnock® PR-24® Control Device; Safariland Training Group

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- f) OC Spray: Includes methods for using OC and post-exposure care for suspects.⁶
- g) Injuries: Includes awareness of common injuries sustained by suspects and officer responsibilities for providing care.
- h) Other: Includes edged weapon defense, dealing with aggressive dogs, and reporting use-of-force.

Note: Firearms training is conducted separately and not part of the 60 hours allocated to use-of-force training evaluated herein.

2. Learning Objectives

Learning objectives from the Safariland Training Group are generic for specific techniques covered. None of the curriculum learning objectives, including those developed by VPA, are validated scientifically through a job task analysis (JTA).

3. Skill Development & Practice

After instructors demonstrate techniques using step-by-step methods, recruits are then required to practice skills learned with the goal of achieving proficiency levels determined by the VPA. Instructors are required to document recruit proficiency for each tactic learned. Recruits must also pass a written exam.⁷

4. Scenarios

Recruits are required to participate in "realistic" scenarios and use force according to techniques and legal standards learned. Instructors are required to document recruit proficiency for each scenario.⁸ The scenario scripts were developed by the VPA.

⁶ Use-of-Force & Tactics PowerPoint Presentation; Vermont Police Academy

⁷ Written & Proficiency Tests: Student; Vermont Police Academy

⁸ UoF Scenarios #1-4; Vermont Police Academy

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The following example is taken verbatim from scenario #3 (i.e., hitchhiker on limited access highway.) It should be noted that a primary catalyst for this report stems from injuries claimed to have been sustained by entry-level recruits who participated in scenario #3.

OBJECTIVE: The recruit should use correct tactics to approach the role player and attempt to identify. The recruit should react appropriately to verbal and non-verbal pre-attack behavior. A focus should be on proper technique, adequate force generation and proper escalation / de-escalation. Correct use of ancillary equipment (*baton, O.C., etc.*) should be assessed, along with appropriate and reasonable force options.

ROLE PLAYER: Active Resistance & Assaultive. The role player should begin the scenario as a non-compliant subject and escalate to an assaultive confrontation. The role player should overtly display both verbal and non-verbal pre-assault cues throughout the confrontation. The role player should react appropriately to well delivered strikes and / or the use of ancillary equipment used to facilitate control.

The recruit “should react appropriately to verbal and non-verbal pre-attack behavior” in response to role player’s “non-compliance and escalation to an assaultive confrontation.” According to VPA use-of-force lesson materials, “reacting appropriately to non-compliance and assaultive” can have many forms. If the recruit does not “react appropriately” in scenario #3, the role player *may* deliver a strike to the recruit’s head using an open hand.

The requirement to utilize an open-handed strike was not conveyed in any of the documents submitted by the VPA; this detail was gleaned through interviews with VPA staff. The recruit must wear protective equipment, including head gear.

Note: Use-of-force elements are also woven into some Patrol Procedures scenarios, including and up to deadly force circumstances.

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B. Injury Mitigation

The following injury mitigation procedures and strategies are used by the VPA.

1. Pre-Academy Medical History

Before acceptance into the police academy, all applicants must self-report his or her medical history by answering 84 questions that cover a wide range of medical conditions and family history. Certain conditions *may* prevent an applicant from performing critical police officer job tasks and being accepted into the academy.

“Yes” answers to “*Have you ever had?*” questions require applicants to provide further details, including dates, severity, treating physician or facility, and any other relevant information. Applicants agree, by signature, that all medical history information is true and accurate to the best of his or her knowledge.

Medical information is reviewed by the VPA occupational health physician to determine if the applicant is capable of performing critical police officer job tasks and completing the rigors of basic training.

2. Pre-Academy Physical Examination

Regardless of medical history, all applicants must submit to a *general* physical examination. The physical exam must be conducted by a licensed medical doctor (MD), physician’s assistant (PA) or an advanced practice registered nurse (APRN) of the applicant’s choice.

The MD, PA or APRN is required to record examination results on the Report of Physical Examination form and attest, to the best of his or her knowledge and belief, that the applicant is mentally and physically qualified for attendance in the basic training program at VPA. The physical examination includes, but is not limited to the following:

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- a) vital signs (blood pressure; pulse; body temperature)
- b) height; weight; BMI
- c) eyes; ears; nose; mouth; gums; throat (exam for possible disease)
- d) vision
- e) hearing (whisper test only)
- f) body systems (i.e., respiratory; cardiovascular; nervous; digestive; integumentary; musculoskeletal; lymphatic; genitourinary)

3. Pre-Academy Fitness Assessment

To be accepted into the academy, all applicants must undergo a physical fitness assessment and score a minimum of 40% on each of the following events.

- a) Bench Press: Maximum amount of weight the applicant can press once.
- b) Push-Ups: Maximum number of push-ups applicant can do in 1 minute.
- c) Sit-Ups: Maximum number of sit-ups applicant can do in 1 minute.
- d) 1.5 Mile Run: Total time needed for applicant to run/walk 1.5 miles.

Scores are adjusted according to applicant age by decade (e.g., 20-29; 30-39, etc.) and gender as published by the Cooper Institute, a respected expert in fitness for law enforcement professionals. A 40% score is considered "Fair" when compared to others in the sample population with the same age range and gender. **Table A** below identifies percentile **Score** and corresponding **Category**.

TABLE A

Score	Category
1-19%	Very Poor
20-39%	Poor
40-59%	Fair
60-79%	Good
80-94%	Excellent
95-99%	Superior

A minimum passing entry score of 40% **does not** preclude applicants who are obese, sedentary or otherwise unprepared to meet the VPA's physical demands.

To graduate from the academy, recruits must score a 50% (or "Fair") in all 4 events.

4. Injury Risk Assessment

Before the academy begins, the VPA physician is responsible for reviewing the recruit's medical history and physical exam to ensure he or she is medically cleared to attend. Recruits who have been cleared to attend the basic training program fall into one of the following three categories:

Note: Categories in a) through c) below are not terms used by the VPA. They were created by the report author to help explain this portion of VPA's injury mitigation process.

- a) **Low Risk** means an absence of any self-reported or discovered medical condition. Placement in this category, **does not** automatically indicate a recruit is adequately prepared to meet the police academy's physical and mental challenges. A *low risk* recruit may sustain injury during the academy and become an *increased risk*.

- b) **Increased risk** means the recruit has experienced a recent musculoskeletal injury (e.g., muscle injury, sprain, etc.), is obese according to BMI calculations, or has "Fair" entry-level fitness assessment scores.

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Increased risk **does not** automatically indicate a recruit will sustain injury or be unable to fully participate in training.

Before the academy begins, the Director of Training *may* consult with *increased risk* recruits depending on his or her current condition (e.g., recent onset; severity; etc.).

Increased risk recruits are encouraged to consult further with a physician and communicate health conditions or fitness deficiencies with VPA staff so they can be monitored and coached.

- c) **Known conditions** means any metabolic, respiratory, blood, or neurologic disease or other health condition that may be exacerbated during VPA training. *Known conditions* include, but are not limited to the following:

- asthma
- diabetes
- epilepsy
- previous head injuries or concussions
- known allergies that cause anaphylactic shock
- past surgeries (e.g., joints, muscles, hernia)

Before the academy begins, the Director of Training consults one-on-one with all recruits with *known conditions* to establish action plans for taking medications as directed, medical emergencies, and reasonable accommodations if applicable. Authorized VPA staff members are provided with action plan information in compliance with HIPPA and ADA laws.

5. VPA Staff Responsibilities

All VPA staff and instructors are responsible for intervening or otherwise stopping any activity where the risk for injury becomes likely or imminent. VPA staff and instructors must also conduct daily 'injury checks' and consistently monitor recruits with *known conditions* or *increased risks*.

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The basic training academy environment is a residential experience that requires recruits to live on campus. This allows staff to monitor recruits with *increased risks* and *known conditions* almost 24 hours a day from Sunday evenings to Friday afternoons.

Recruits who sustain a training-related illness or injury may be given an '*on profile*' (or *increased risk*) status by medical staff with accompanying treatment instructions or restrictions. VPA staff must ensure treatment instructions are followed so the injured recruit can recover properly and as soon as possible. For example, a recruit who is '*on profile*' for a shoulder muscle strain may be restricted from doing any activity (e.g., push-ups) that may aggravate the injury or prolong recovery.

Use-of-force instructors must follow additional protocols to prevent injury and create a safe learning environment so recruits can learn needed skills. The following content is included in the use-of-force instructor lesson materials and is cited verbatim with bracketed inserts for clarity.⁹

- a) Safety is the first rule an instructor should institute and oversee when conducting hands-on training. Avoid being negligent and irresponsible.
- b) Hands-on [use-of-force] training brings with it a certain degree of risk and personal injury. This reality must be [communicated to recruits] at the outset of training.
- c) It is the responsibility of [instructors] to maintain a safe training environment. Safety is everyone's concern and primary duty to each other during demonstrations, practice sessions and testing.
- d) Keeping hands-on training accident-free is one objective and building psychomotor confidence in [recruits] is another objective.

⁹ See table items 6-13 in Section I. Introduction

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- e) The most useful methodology for teaching new psychomotor skills (or knowledge) to [recruits] is one step at a time. Static training easily lends itself to step-by-step instructions. In addition, the chances for a serious training injury occurring are far less likely at the static training intensity. Using a static training intensity for (1) keeping hands-on training as accident-free as possible and (2) building [psychomotor] confidence within [recruits] who take part in the [training]. Teach skills using proper sequence to prevent injury. (1) Introduction; (2) Practice; (3) Repetition. Allow for increase in speed and simulation only after technique is learned and practiced. Always stay below full speed and power to prevent injury. Constantly stress technique discipline and control.
- f) Caution should be used in demonstrating or performing each technique to prevent possible injury. After the techniques are demonstrated, [recruits] must perform them under the supervision of an instructor.
- g) Adequate supervision during class is required. Maintain a student to instructor ratio of ten-to-one (10:1) to ensure effective recruit monitoring and safety. During use-of-force scenarios, the student to instructor ratio is 1:2 because the role player and evaluator are both instructors.
- h) Create a safe training environment using a proper facility, training aids, and personal protective equipment. Review safety rules [with recruits] first. Always set the example and reinforce during class.

The training area must be free of structural, floor or other types of hazards to participants. It should be a place where people can come together to learn, share information and train in unobstructed surroundings that are safe for everyone. The use of padded mats large enough to demonstrate and practice [tactics] should be considered.

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Note: A recognized industry standard is 50 square feet of padded floor mats for every two students. The VPA meets or exceeds this standard during all use-of-force training.

- i) A greater risk of injury to [recruits] arises when “dynamic” drills or “realistic/street simulated” scenarios are utilized. Accordingly, specialized safety clothing and/or equipment and added supervision may be essential to lessen the risk of injury to participants.

Safety equipment is always used during use-of-force static and dynamic training. Examples include floor mats, strike pads, and other protective gear. For use-of-force scenario training, recruits and role players wear personal protective equipment as needed to prevent injury (e.g., padded arm, torso and head gear).

- j) Plan for possible injuries. Provide immediate and proper care. Investigate cause and fully document on First Report of Injury Form.
- k) Conduct a safety review using feedback from [recruits] and other instructors.

6. Recruit Responsibilities

Recruits are given specific instructions relevant to injury prevention before the academy begins and until graduation. The following is provided to recruits by the VPA.

- a) “Medication of any type that is required by a recruit will be reported, in writing, to the training staff upon arrival at the academy. Disclosure of all allergies is critical.”¹⁰
- b) “Previous injuries may come back to haunt you. [A] history of head injury is a significant concern and must be reported for your safety. Consider getting medical advice prior to arrival.”¹¹

¹⁰ Basic Recruit Training Manual; Orientation Presentation

¹¹ Orientation Presentation

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- c) The following use-of-force injury prevention information is provided to recruits:¹²
- (1) "It is the responsibility of trainers and [recruits] alike to maintain a safe training environment. Safety is everyone's concern and primary duty to each other during demonstrations, practice sessions and testing. No horseplay will be permitted or tolerated [because] it invites injuries.
 - (2) Hands-on training brings with it a certain degree of risk of personal injury. [Use-of-Force] training is by nature physical and injuries may occur. Every effort will be made to prevent injury. However, unforeseen injuries may occur although every attempt will be made to prevent them. Nothing can totally eliminate the possibility of an injury during hands-on [use-of-force] training.
 - (3) Patting of the mat or body or a verbal indication to "STOP!" must result in an immediate reduction of technique intensity. Verbalization by an instructor or others must also stop the action immediately.
 - (4) Techniques must be learned slowly. Slowly work up to a higher level and always stay below full speed and power to prevent injury.
 - (5) Train with 100% good form and technique – NEVER at 100% speed and power.
 - (6) Be a good training partner and help him or her learn properly. Don't be a source of frustration and counter-productivity.
 - (7) All recruits (and in-service participants) must acknowledge, and agree by signature, to the following for use-of-force training:¹³

¹² See table items 6-13 in Section I. Introduction

¹³ Use-of-Force Training Safety Rules

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- (a) I agree to respect each other as peers, and understand we are all on the same team.
- (b) I understand that use-of-force training carries with it the inherent potential an injury may occur.
- (c) I agree to ask questions when needed for clarification on issues relevant to this course.
- (d) I agree we are all responsible for each other's safety. I will watch out for the safety of others and address safety concerns with other students and instructors immediately.
- (e) I understand training staff will frequently conduct wellness checks during training, and I agree to report any injuries or other concerns when queried.
- (f) If any type of injury occurs during training, I will immediately notify an instructor, seek first aid and document the injury as directed.
- (g) I am not taking any medication or other prescription drugs and do not have any pre-existing medical conditions, which would prohibit me or hinder my physical ability to participate in this course.
- (h) I have honestly and without malicious intent reported any present, past or current personal injury I may have sustained, which may prohibit my participation or attendance in this course.
- (i) I agree when I hear a whistle or am told to "STOP!" by an instructor, I will immediately halt all physical actions and give my attention to the instructor in charge."

7. Injury Reporting

Both instructors and recruits are responsible for reporting injuries on designated forms. The VPA must also submit annual reports to the Training Center Governance Committee.

a) Instructor Responsibilities¹⁴

If a recruit is injured during training, “instructor(s) responsible for the program in which the purported injury occurred must submit an *Instructor Injury Report* and document the incident from the instructor’s perspective. This documentation will be completed as soon as reasonably practicable and provided to designated academy staff for appropriate action.”

Forms used by use-of-force instructors to document participant proficiency during scenarios also have a specific field for reporting injuries. Scenario instructors are responsible for conducting “*injury checks*” before and after each use-of-force scenario.

b) Recruit Responsibilities¹⁵

“Any illness or injury must be reported immediately to the training staff. A written report must be submitted by the injured or ill recruit to the training staff as soon as possible. When an injury or training related illness is identified, the affected [recruit] will be provided a *First Report of Injury* form and instructed to document the issue via this mechanism. The *First Report of Injury* will be completed as soon as reasonably practicable following any first aid or other medical attention. Completed *First Report of Injury* forms will subsequently be forwarded to designated academy staff for documentation and appropriate action.”

¹⁴ Injury Reporting SOP

¹⁵ Basic Recruit Training Manual; Orientation Presentation; Injury Reporting SOP

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c) Annual Reporting

Pursuant to Number 118, Section 12. 29 V.S.A. § 842 (a), the VPA must submit an annual report to the Training Center Governance Committee. The annual report must include the total number of injuries sustained by participants during training and recommendations for improving safety.

Table B shows the total number of VPA injuries for all injuries reported during basic AND in-service training from the previous four years. All injuries occurred during daily physical exercise or use-of-force training. Some injuries reported were for the same recruit who experienced a new or reoccurring injury during the academy.¹⁶

Table B

Year	Injuries
2016	25
2017	16
2018	27
2019	19*

*As of September 30, 2019

The majority of reported injuries were minor and only required basic first aid on site with no follow-up treatment needed. Common examples include complaints of soreness or stiffness to extremity muscles and joints.¹⁷

On average, the VPA provides more than 270 hours (or 7 weeks) of use-of-force training to 350+ basic academy recruits AND in-service officers annually. **Table C** shows the total number of **Participants** trained by VPA in use-of-force, the total number **Injured** during use-of-force training, and percentage (%) injured that **Year**.¹⁸

¹⁶ VPA Annual Injury Reports

¹⁷ VPA Annual Injury Reports

¹⁸ VPA Annual Use-of-Force Training

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TABLE C

Year	Participants	Injured	%
2017	329	16	4.8
2018	385	18	4.6
2019	332*	7	2.1

*As of September 30, 2019

According to the U.S. Bureau of Labor and Statistics, police officers are injured on the job more than most occupations. Non-fatal injury rates for police officers that required days away from work range between 4.8% to 6.0% annually.

Similar to the basic academy environment, the majority of on-the-job injuries for active police officers occurs during physical exertion (e.g., running) or when using force. From 2016 to 2019, less than 1% of reported VPA injuries resulted in time away from training.

Note: Since 2011, 477 recruits participated in the "hitchhiker" use-of-force scenario cited earlier in this report and 6 (or 1.26%) sustained injury.

Continued on next page.

III. Conclusion

The VPA uses a collaborative effort between staff, instructors and participants to minimize training injuries. Overall, injury mitigation procedures and strategies used by the VPA meet or exceed best practices for law enforcement training as demonstrated by the following:

1. Injury mitigation efforts begin for basic entry recruits before they are even accepted into the academy with a medical history and physical examination. It should be noted that even with this process some medical conditions could go undetected during the physical examination (and ultimately unknown to VPA), especially if the applicant failed to disclose information on the medical history form or to the examining medical professional.

Note: It is not uncommon for police applicants to intentionally omit or be untruthful about existing medical conditions.

2. Recruits must score 40% on all fitness assessment events to enroll in the academy. Cooper Institute research shows the risk of injury is directly related to fitness scores. For example, an applicant with a 40% (Fair) score is more likely to be injured during academy training than an applicant with a 60% (Good) score.

The minimum academy fitness entry and exit scores of 40% and 50% respectively suggest the VPA likely accepts, and retains recruits who are more likely to sustain injury during any type of “physical” training. Supporting evidence includes all VPA injuries from the previous four years occurred during daily exercise or use-of-force – the only two areas of “physical” training. However, given the minimum entry and exit fitness standards, injury rates at VPA demonstrate effective mitigation efforts.

3. VPA uses a holistic approach by evaluating medical history information, physical exam results, and fitness scores. Recruits with *known conditions* are consulted, specific action plans are created, and authorized VPA staff notified to ensure monitoring. Recruits with an *increased risk* are encouraged to communicate health conditions and fitness deficiencies with VPA staff so they can be monitored and coached more effectively. It is commendable that the VPA uses such information to design road maps to help recruits achieve success despite their shortcomings.

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4. Open lines of communication about injury prevention are established before the academy begins and continues until graduation. For example, staff members and instructors are required to conduct daily 'injury checks', monitor recruits with *known conditions* or *increased risks*, and take immediate action to stop any situation where injury is likely or imminent. VPA's residential experience at the basic academy also allows staff to monitor recruits almost 24-hours a day from Sunday evenings to Friday afternoons.
5. VPA is prepared to address injuries promptly and effectively because staff understands they are likely to occur during training. Thus, VPA created an 'on profile' status to ensure injured recruits can simultaneously continue with their training and recover as soon as possible.
6. Use-of-force instructors are provided with additional standards for preventing injury. This includes, but is not limited to teaching techniques using step-by methods; having a 10:1 instructor-to-student ratio to ensure monitoring, and providing needed safety equipment.
7. Recruits are provided with specific directions and requirements for preventing injury. This includes, but is not limited to immediately notifying an instructor, seeking first aid, and documenting the injury or illness.
8. An accurate comparison between injury rates with other state academies could not be made because VPA reporting is more detailed. In many other states, injuries are only recorded when a worker's compensation claim is filed and these records are not readily available. However, the VPA reports all injuries to include those that do not require any follow-up medical treatment at an emergency room or by a physician. Unlike most police academies, VPA identifies the training venue where the injury occurred (e.g., while running during daily physical training; while performing static use-of-force drills, etc.). The detailed reporting and documentation of injuries by VPA allows staff to make targeted changes in training to mitigate risk even further.

IV. Recommendations

To help further mitigate injuries during VPA use-of-force training, IADLEST recommends the following:

- A. Develop validated use-of-force learning objectives using a job task analysis (JTA). Valid learning objectives are the foundation for supporting curricula and performance testing (physical & cognitive).

As an example, the following are JTA validated use-of-force learning objectives developed in collaboration with IADLEST for a state POST.¹⁹

1. Demonstrate how to apply and remove handcuffs using step-by-step methods.
 2. Demonstrate how to use the following defensive tactics effectively to stop unlawful suspect resistance:
 - a) grabs and holds
 - b) blocks
 - c) arm and leg strikes
 3. Demonstrate how to effectively use a baton to restrain a resisting suspect and stop an attacking suspect.
 4. Demonstrate how to effectively use OC spray to stop unlawful suspect resistance.
 5. Demonstrate best practices for writing a detailed use-of-force report.
- B. Develop “in-house” use-of-force lesson materials that address validated learning objectives (see A. above). Multiple references should be used to include Safariland Training Group, IACP, and other State POST documents. Tactics taught by the VPA should be ones identified by a statistically valid and representative sample of Vermont police officers.

¹⁹ Recruit Officer Curriculum: Defensive Tactics; Municipal Police Training Committee; Massachusetts; 2019

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- C. Develop realistic validated use-of-force scenarios using a JTA or other statistically valid survey of Vermont police officers with less than 5 years of on-the-job experience. Sample respondent questions include, but are not limited to the following:
1. *Under what circumstances or crimes do you encounter suspect resistance the most?*
 2. *What types of suspect resistance do you encounter the most during an arrest situation?*
 3. *What tactic(s) have you found to be most effective at stopping [X] type(s) of suspect resistance?*
 4. *What tactic(s) have you found to be ineffective at stopping [X] type(s) of suspect resistance?*
- D. Issue a moratorium and prohibit any type of strike to a participant's head by role players during use-of-force training until the frequency and likelihood of such resistance can be validated and quantified using a JTA or survey of Vermont Police officers (see C above). Additional guidance from medical and other experts is needed to compare risks vs. value of using strikes to the recruit, including head strikes, during use-of-force training.
- E. Using validated data collected from Vermont police officers, develop use-of-force scenario scripts that possess the following:
1. Require each training session during which uses of force will be or may be utilized, including defensive tactics training, to begin with a safety briefing outlining, at a minimum, the protocols for stopping scenarios to prevent injury and dangerous situations and a check to assure all participants are properly equipped with required safety gear.
 2. Specific and detailed directions for role players to follow consistently and without deviation for every recruit / participant.
 3. Any training allowing for force or resistance to be used against a recruit should provide in detail the type of force permitted, the circumstances when it can be used, and the maximum permitted intensity. For

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example, scenario #3 utilizes an assaultive role player but does not delineate the level or type of assault to be performed.

4. Specific performance outcomes that include scoring and feedback rubrics to ensure recruits / participants are evaluated consistently by instructors using identical standards.
 5. Mandatory safety and personal protective equipment needed to mitigate injury for recruits / participants and role players.
 6. Instructions for recognizing common injuries that may occur to recruits / participants as a result of scripted resistance used by role players.
- F. Video record use-of-force scenarios. This is a highly effective method for reviewing performance with recruits (and role players), evaluating overall scenario effectiveness, and mitigating future injury. Technology available to the VPA will determine how many video files can be stored, and for how long.
- G. Compare fitness assessment entry and exit scores with recruit injury rates to identify a possible correlation. For example, VPA may find that recruits with [X] fitness entry scores are [X] times more likely to sustain injury, whereby justifying a need to increase fitness scores or implement additional risk mitigation efforts.
- H. Continue using and refining existing injury mitigation and reporting protocols. This includes seeking input from instructors, role players, participants and stakeholders.
- I. Evaluate best practices for instructor-to-student ratios to assure the VPA is aligned with such best practices.
- J. The information provided to recruits contains the statement, "Every effort will be made to prevent injury." Such absolute statements should be used cautiously. As stated, it would allow for the argument that "every effort" would also include not conducting training that poses any risk of injury. A more realistic statement would include reasonableness, such as "Every reasonable effort will be made to prevent injury."

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- K. This statement is also included, "Patting of the mat or body or a verbal indication to *"STOP!"* must result in an immediate reduction of technique intensity." To keep the actor from having to decide whether to stop or reduce intensity, the indication that injury may occur or severe pain is being experienced should result in the immediate *cessation* of the activity, whether it is a verbal statement, a whistle, or an intervention.

The VPA and other police academies throughout the United States are responsible for training new officers to successfully perform critical tasks on the job in high-stress situations with little time to contemplate a plan of action. Some police officer tasks, like using force, require a combination of physical exertion, motor skill performance, and decision making under significant stress.

Realistic "hands-on" training is needed to assure the recruit is adequately prepared for situations he or she will encounter while on patrol, to evaluate recruit learning, and ensure they meet minimum performance standards. The physical component of "hands-on" training increases the risk of injury to recruits, instructors and role players alike. The only way to completely eliminate injuries is to eliminate all "hands-on" training in law enforcement. The best practice and reasonable alternative is to use hands-on training in combination with effective injury mitigation strategies.

Like other police academies across the United States, the VPA has demonstrated a commitment to reducing the risk of injury while delivering training designed to prepare recruits for real-world encounters and situations.

End of report.

V. Appendix

Continued on nextpage.

JON B. BLUM

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Areas of Expertise

Law enforcement best practices with specific expertise on training, certification curriculum development, use-of-force and emergency vehicle response.

Professional Experience

FORCE CONCEPTS, Inc.

Vice President of Training & Development (2005-Present): Privately held company provides consulting services for law enforcement and other public safety professionals. Administer job task analyses to develop valid training programs and accountability instruments. Develop government mandated curriculums for licensing, continued employment or advanced in-service training. Trial consultant and expert witness on law enforcement best practices. *Achievements*: *Documenting Force* curriculum is nationally certified and approved in 35 states. More than 250K *Documenting Force* publications sold in US & Canada. Since 2015, awarded contracts to overhaul Commonwealth of Massachusetts (MPTC) and State of Washington (CJTC) basic law enforcement certification curriculums.

NC Department of Justice

Adjunct Instructor (2002-Present): Help North Carolina Justice Academy deliver state-mandated use-of-force and physical fitness train-the-trainer certification courses.

Public Agency Training Council

Instructor (2013-Present): Provide consulting, instructional design, and training services for law enforcement agencies throughout the United States. Areas of expertise include use-of-force, personnel development, recruitment, and report writing.

Town of Garner Police Department

Personnel Manager & PIO (2001-2005): Internationally accredited agency with 68 full-time employees protecting and serving 26,000 residents. Responsible for all agency recruitment, personnel development, training and related compliance record systems. Implement comprehensive short and long-term strategies to enhance community relations, manage department's overall image and create agency brand. Authored and distributed press releases in a Top 20 market. Grant print, previously recorded, and live television interview request from media. *Achievements*: Overhauled job applicant selection process with quantifiable cognitive and physical skill tests. Created social media and electronic platforms for cohesive messaging, timeliness, and efficiency. Managed all media requests for nationally publicized and unsolved death of 17-year old resident.

JON B. BLUM

NC Department of Justice

BLET Director (1999-2002): Internationally accredited agency responsible for State's certification curriculums and training approximately 23K criminal justice personnel annually throughout North Carolina and United States. Responsible for all development aspects of state-mandated 17-week Basic Law Enforcement Training (BLET or POST) certification curriculum. Collaborate with 300+ SMEs and practitioners for 33 individual lessons. Develop practical skill exercise scripts and testing instruments. Provide technical assistance to all 70+ training academies throughout the State. Chair 16-member committee, establish agendas and use consensus building skills to secure agreements. Report research findings and make recommendations to NC Criminal Justice Education & Training Commission. Achievements: Engineered state-wide electronic distribution systems for training materials; Delivered Academy's first distance learning course; NC Attorney General's Award for BLET leadership.

Town of Chapel-Hill, North Carolina

Reserve Police Officer (1999-2002): Voluntary part-time police officer used to supplement full-time officer cadre. Required to work patrol or specialized events a minimum of 10-hours per month.

Winston-Salem Police Department

Corporal/Police Officer (1991-1999): Internationally accredited agency with 720 full-time employees protecting and serving 198K residents. Enforce criminal laws, investigate violations and arrest offenders. Conduct interviews, complete official reports and testify in both state and federal courts. First-line supervisor for 10 patrol division officers. Other duty assignments included *SWAT, Planning & Research Unit, Field Training Officer, Academy Instructor, and Accreditation Coordinator*. Achievements: Recruit Class XXIX Colleague/Tise Award; Promotion to Corporal in 1995; DWI Enforcement Award; Citizen Satisfaction Award.

International Association of Chiefs of Police

Adjunct Instructor (2000-2007): A nonprofit R&D organization with 20K members serving law enforcement executives in 100+ countries. Provide technical assistance, curriculum development and delivery for law enforcement executives on *Use-of-Force, Report Writing, Media Relations and Wellness Programs*.

Education

Master of Public Administration - MPA

University of North Carolina at Greensboro (1998)

Bachelor of Science - Criminal Justice

University of North Carolina at Charlotte (1991)

JON B. BLUM

Memberships

- **IADLEST**
International Association of Directors of Law Enforcement Standards and Training
- **IALEFI**
International Association of Law Enforcement Firearms Instructors
- **ILEETA**
International Law Enforcement Educators & Trainers

Certifications & Training

Basic Law Enforcement Training (BLET)
North Carolina Department of Justice

Advanced Law Enforcement Certificate
North Carolina Department of Justice

General Instructor (BLET)
North Carolina Department of Justice

Specialized Subject Control Instructor
North Carolina Department of Justice

Specialized Physical Fitness Instructor
North Carolina Department of Justice

Public Safety Fitness Specialist
Cooper Institute for Aerobics Research

Oleoresin Capsicum Spray Instructor
Federal Laboratories

RedMan Simulator Instructor
H&K Industries

Taser Instructor
Taser International

Baton Instructor
ASP International

JON B. BLUM

Featured Presentations (last 10 years)

- *Testing Standards for Law Enforcement*
International Association of Directors of Law Enforcement Standards and Training;
Annual Training Conference; Milwaukee, WI
- *Changing the Classroom Paradigm*
International Association of Directors of Law Enforcement Standards and Training;
Annual Training Conference; Boston, MA
- *Documenting the Use-of-Force*
International Association of Law Enforcement Firearms Instructor ATC; Orlando, FL
& San Diego, CA; New Mexico Sheriff's Association; Annual Training Conference;
Albuquerque, NM
- *Suicide by Cop*
International Association of Law Enforcement Firearms Instructor ATC; West Palm
Beach, Florida
- *Investigative Reports on the Use-of-Force*
North Carolina Internal Affairs Investigator's Association ATC; Raleigh, North
Carolina
- *Police/Sheriff Liability in North Carolina*
Lorman's Seminars; Raleigh, North Carolina
- *Developing Control Option Policies*
International Association of Law Enforcement Firearms Instructor ATC; Reno,
Nevada

Publications

- *Handguns: Ownership & Safety*
ISBN# 0-9786592-1-X
- *Domestic Violence Investigations*
ISBN# 1-932990-16-X
- *Documenting the Use-of-Force: Corrections*
ISBN# 1-932990-60-7
- *Documenting the Use-of-Force: Police*
ISBN# 1-932990-15-1

JON B. BLUM
Case Vitae

Case	#	Issues	Notes
Jones v. City of Durham, et. al	02CVS-2620	Vehicle Operations; Training	D
Hastings Massasoit v. Sheriff Lane Carter	04CV-0151	Use of Force; Training; Policy	
Denton v. Franklin County Sheriff's Dept.	05CVS-0298	Use of Force; Training; Policy	
Blair v. County of Davidson	05CV-0011	Use of Force; Training; Policy	R; D
Gentry v. Goforth & Davidson County Sheriff	07CVS-1586	Deadly Force; Training; Policy	R
McCloud v. Hildebrand & City of Hickory	07CVS-2544	Deadly Force; Training; Policy	R; D
Absher v. Wilkes County Sheriff, et al.	08CV-0107	Use of Force; Training; Policy	R; D
Cook v. County of Bladen	08CVS-0303	Deadly Force; Training; Policy	R
Lunsford v. Franklinton Police Department	08CVS-0567	Vehicle Operations; Training	R
Lyons v. Kings Mountain Police Department	08CVS-1373	Use of Force; Training; Policy	R
Barber v. City of Concord	09CVS-16400	Vehicle Operations; Training	R
Robinson v. Bladen County Sheriff's Office	7:10 CV146	Use of Force; Training; Policy	R
Catoe v. City of Columbia, SC	09CP4005132	Deadly Force; Training; Policy	R; P
Michael Pyrtle v. Rockingham County Sheriff	1:10 CV-0683	Use of Force; Training; Policy	R; P; D
Patricia Jackson v. Wal-Mart	CP-26-02175	Unlawful Restraint; Training	R; P; D; T
Ramsey v. Marion County	19407	Use of Force; Training; Policy	R
Wallace vs. City of Spring Lake	10-CVS-6793	Search & Seizure; Training	R; D
Ballentine v. Town of Coats	5:11-CV-524	Use of Force; Training; Policy	R
Strickland v. Town of Coats	5:12-CV-630	Use of Force; Training; Policy	R
Foster v. Bradley County Tennessee	1:12-CV-00179	Deadly Force; Training; Policy	R
Truhan v. Walston	12: CVS-450	Vehicle Operations; Policy	R
Booth v. Town of Weldon	4:12-CV-117-D	Use of Force; Training; Policy	
Smith v. Phillip Redmond, et al.	5:12-CV-153	Arrest; Training; Retention	R; D
Lucas v. Brake	5:12-CV-735-FL	Use of Force; Training; Policy	R
Johnson v. City of Fayetteville	5:12-CV-00456-F	Negligent Retention	R
Carpenter v. Statesville Police Department	5:14-CV-16	False Arrest; Training	R
Stafford v. Guilford County Sheriff	1:14-CV-267	Use of Force; Training; Policy	R
Suba v. City of Johns Creek	1:14: EV-001901	Use of Force; Training; Policy	
Jarrell v. Department of Public Safety	IC# TA-24434	Emergency Vehicle Operations	P; D; T
Harrison v. City of Greenville, NC	4:15-cv-00017	Use of Force; Training; Policy	R; P
Batchelor v. Geske, Holt, Newland & Hammond	5:15-CV-00122	Use of Force; Training; Policy	R
Iandolo v. City of Hickory Police Department	14 CVS 1160	Use of Force; Training; Policy	R
Anderson v. City of Greenville, SC	6:15-cv-3259	Use of Force; Training; Policy	R
Swilling v. City of Greenville, SC	14-CP-23-03013	Deadly Force; Training; Policy	R
Laba v. City of Charlotte	3:15-CV-316	False Arrest; Training; Policy	R

Notes column: R=Report/Affidavit submitted; D=Deposition taken; T=Trial testimony; P = retained by Plaintiff

JON B. BLUM
Case Vitae

Case	#	Issues	Notes
Sierad v. Greenville County Sheriff (SC)	6:16-cv-02840	Use of Force	R
Christian v. Anderson County Sheriff (SC)	8:16-cv-02338	Use of Force; Training; Policy	R
Ferrell v. Town of Lillington	5:15-CV-00677	Emergency Vehicle Operations	R; P; D
State of North Carolina v. Joshua Hopkins	Criminal	Use of Deadly Force	R
Falls v. City of Greenville, SC	2017-CP-23	Use of Force; Training	
Burroughs v. Rockingham County Sheriff	1:17-CV-462	Use of Deadly Force; Training	R
Mann v. City of Urbana, IL	17-cv-2300	Use of Force	R

Notes column: **R**=Report/Affidavit submitted; **D**=Deposition taken; **T**=Trial testimony; **P** = retained by Plaintiff