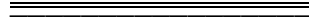


**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**Requiring Continued Defensive Tactics Training in Law Enforcement**



**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**



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## **ABSTRACT**

Law enforcement officers are routinely put into situations that require them to make decisions, some of which could be life altering, and they often have only a fraction of a second to determine the best course of action to take. Of all the decisions a law enforcement officer is tasked with making, perhaps none is more scrutinized than when that law enforcement officer has to resort to using force to subdue a person in order to effectively gain control and take custody of that person. Without sufficient and continued training, poor decisions can be made, which can forever change a person's life.

Former U.S. Attorney General Ramsey Clark once said, "To be truly professional, police must have high standards of education and personal competence in a wide range of subjects with continuous development and training" (Munro, 1974, p. 151). Greater emphasis should be placed on defensive tactics training as a lack of training often leads to misapplication of proper techniques. Therefore, continued training in defensive tactics should be required of all law enforcement officers.

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## INTRODUCTION

Law enforcement officers receive hundreds of hours of training as part of any basic police officer academy. Once an officer has completed that training, he/she moves on to an agency specific field training program, and upon successful completion, is released into the field where they are expected to be called upon at a moment's notice to solve various problems in the community they serve. Additional training, whether mandated by the state who holds the officer's peace officer license, or as required by the officer's agency, ensure specific areas of training that must be covered on an annual, or bi-annual basis. Each of these areas trained in must meet a specific number of hours. Officers receive training in nearly every important aspect of their job duties. This propels them to be better interviewers, interrogators, crime scene investigators, and marksmen. Seldom, though, are officers required to participate in continued training on how to handle and overcome physical confrontations, without the use of less than lethal instruments, or having to resort to the highest of force options; deadly force.

Officers are trained in defensive tactics when they are first introduced to the field of law enforcement in the police academy, an area they should be expected to maintain a high level of proficiency throughout their law enforcement career. Officers are required to qualify on at least an annual basis with the firearms they carry on duty and, if the agency permits the use of conducted electrical devices (CEDs), such as Tasers, are required to recertify annually as well. Most states, such as Texas, have no requirement that techniques learned in defensive tactics or mechanics of arrest be demonstrated by officers for proficiency. Never before have use of force practices been criticized and

scrutinized as much as they are in today's society. Society expects law enforcement officers to be experts in every field, and depending on the size of the officer's agency, they may have to be. But one of the most neglected, yet often the most scrutinized, is whenever an officer has to resort to using force that goes above merely having to secure a person in handcuffs, provided the situation did not require an escalation in the use of force prior to arriving at that point. It is imperative that training in defensive tactics become a requirement in law enforcement and must be maintained throughout an officer's career.

The Uniform Crime Report (UCR) that was published by the Federal Bureau of Investigation (FBI) revealed 49,851 police officers were assaulted during the performance of their duties in 2013 (Federal Bureau of Investigation, 2014). Of those assaulted, 14,565 (29.2%) sustained injuries, and in 79.8% of those assaults on officers, the assailant(s) who committed the attacks were unarmed, using nothing but their hands, fists, and feet. Given the daily stresses of the job required of law enforcement officers and the amount of time spent on the street protecting their communities, many, if not most, will not seek training on their own time to maintain and improve proficiency in the area of defensive tactics. Officers become too dependent on less than lethal weapons, such as Tasers, that many do not know how to proceed if a Taser deployment proves unsuccessful and the assailant continues to offer resistance. An officer's responsibility when confronted with a person who offers resistance to detention or arrest is to end the confrontation as quickly as possible while inflicting the least amount of force necessary. Lack of training often leads to misapplication of proper techniques. Officers who use improper or untaught techniques to subdue assailants,

subject themselves and their respective agency to potential lawsuits involving unlawful or unjustified use of force. Officers fail to react appropriately because when one encounters a threat that was not anticipated or planned for, without “specific training, conditioning, and practice” (Blum, 2004, para. 10), the officer’s survival instincts will take over, as with any untrained person, thus leading to a potentially more violent action. This is why defensive tactics training should be required throughout an officer’s career as part of their continuing education.

## **POSITION**

Greater emphasis should be placed on defensive tactics in law enforcement. The benefits to having a training program which demand proficiency in defensive tactics can have a profound impact on not only the individual officer, but also the community the officer serves. Law enforcement strives to maintain a high level of professionalism, of which training plays a vital role. As said by former U.S. Attorney General Ramsey Clark, “To be truly professional, police must have high standards of education and personal competence in a wide range of subjects with continuous development and training” (Munro, 1974, p. 151). However, unless an officer is a part of an agency that regularly employs in-service training, the officer is left to recall on the brief training he/she received as part of the basic training academy they attended when he/she is confronted with physical confrontations in which the subject is uncooperative and combative.

In Texas, the Texas Commission on Law Enforcement (TCOLE) requires a cadet attending the basic police academy to complete 40 hours of training in the area of mechanics of arrest, which includes techniques in defensive tactics (Texas Commission

on Law Enforcement, n.d.). After successful completion and graduation of the academy, no further training requirement is mandated by the commission to maintain proficiency in defensive tactics. Consider that TCOLE requires a minimum of 618 hours of instruction in the 29 different subjects to be taught. Including the additional 24 hours on the topic of force options that is also required, approximately only 10.36% (64 out of a total of 618 hours) of a law enforcement officer's training in Texas during the Basic Peace Officer Course (BPOC) is spent on the very thing which is scrutinized the most in today's society; the amount of force an officer uses to effect a seizure of a person. Officers will not achieve proficiency, let alone expertise, if they do not train. Law enforcement agencies cannot wait to be sued or threatened with legal action before deciding to reduce the risk to both the officer and the agency by adopting measures to prevent it from ever becoming a reality (Scott, 2005).

One of the most profound benefits of having defensive tactics training is the confidence and skill an officer will derive from continued exposure to it. Training is the only way to ensure officers are provided the necessary techniques and adopt the proper mindset to overcome a physical confrontation while remaining compliant with applicable laws and regulations. If unprepared for various dangers an officer may encounter, the officer will revert to basic survival instincts. However, with proper training, officers can condition themselves to reduce levels of stress during an assault so they are able to respond from a position of control rather than a position of surprise (Faulkner & Danaher, 1997). Training in defensive tactics will increase the effectiveness of the techniques expected to be used in the field, especially as the officer develops greater confidence in his/her abilities. With greater confidence comes a greater level of skill.

Officers, when confronted with a combative subject, may also be able to subdue them without the need to escalate to a higher level of force. In order to achieve this, defensive tactics must be required of all law enforcement officers after the completion of the basic academy.

Officers will not develop confidence if they do not train and often will not train unless required to do so. Additionally, individual law enforcement agencies will prioritize training to meet required areas of instruction. If officers are not required to maintain proficiency in defensive tactics, their ability to overcome a physical confrontation suffers. This can lead to increased chance of injury to both the officer and person whom he/she are attempting to subdue, or leave the officer with no other alternative but to resort to a greater level of force to overcome the resistance.

In today's policing, there are many law enforcement officers who are recruited into the academy who have never taken a punch to the face, let alone been involved in a physical altercation. This is concerning because if an officer has never experienced either one of these, they themselves do not know how they will react when confronted with a violent assailant (Spurgeon, 2014). Many agencies have policies and practices in place that require an officer to be introduced to the effects of the less than lethal tools they carry on them during before certifying and allowing them to carry those tools on duty, such as with Oleoresum Capsicum (OC) spray and Tasers. One of the reasons this is common practice is so the officer cannot only have a better understanding of the effects, having experienced them his/herself, but so that the officer will know how to combat it if ever it is deployed against them. This same principle should apply to the area of defensive tactics as well. When an officer encounters a high intense physical



situation in the field, they often do not have the luxury of time to think it through. They will rely on muscle memory and instincts to carry them through the encounter.

However, if they lack the proper training, they will not respond with the appropriate method to end the encounter. Muscle memory is only achieved through a process of training repetitively, so as to create a memory of that action. Over time, this will develop to the point where a person will act, or react, without a conscious effort (Spurgeon, 2014). Spurgeon (2014) goes on to say that confidence is one of the most important things that can be learned through defensive tactics training. Confidence is an important and necessary trait as it allows a person to remain in control when he/she encounters a stressful situation, and not act based on emotion.

The goal of any law enforcement officer when effecting an arrest or detention is to use the lowest amount of force necessary to accomplish that objective. As the officer trains more frequently in defensive tactics, they will become more confident in the skills learned, become less fearful, and ultimately, could see the officer escalating to a higher level of force less frequently. Research conducted on the use of force by law enforcement personnel, which was funded by the U.S. Department of Justice, frequently shows that most use of force encounters involve non-violent resistance on the part of the suspect (Smith et al., 2010). That is, they merely attempt to resist the control physically being exerted on them by the officer. What is commonly encountered by law enforcement is first, the suspect verbally communicates his intention not to comply with commands. When the officer attempts to gain control of him/her by physically grabbing them to apply handcuffs, the suspect would resort to either pulling or pushing against the officer to prevent them from following through with their task (Smith et al., 2010).

So, an officer who has been adequately trained in combating situations such as this, would be able to use those tactics to safely take the suspect into custody without having to resort to more extreme, or violent measures.

In addition to improving the officer's skill level, and the confidence to use that skill, continued training in defensive tactics could reduce the number of lawsuits in law enforcement. Increased proficiency in defensive tactics and an understanding of how the officer reacts will allow the officer to maintain control when confronted with an attack and apply the tactics learned, rather than dismiss them (Spurgeon, 2014). This has the potential to lead to a decrease in lawsuits within law enforcement, as officers would not have to resort to using more dangerous methods of apprehending or subduing suspects. Failing to adequately train law enforcement personnel could have a high financial impact on an agency. The average awards in failure to train cases resulted in \$450,000 (Fishel, Gabbidon, & Hummer, 2007). According to the Bureau of Justice Statistics (BJS), the complaint rate in large departments (100 or sworn officers) about the use of force was found to be 6.6 per 100 (National Institute of Justice, 2015, para. 10). Now, an officer who is well trained in the art of defensive tactics could still have a complaint lodged against him/her, however, the better trained they are, the less likely they will be to use an improper technique which could lead to injury. The reduction of injuries would reduce the number of lawsuits in law enforcement that alleged excessive use of force.

## **COUNTER POSITION**

Thus far, the benefits afforded law enforcement if it adopted the requirement of continued training in defensive tactics has been examined. However, there are

potential obstacles to seeing that vision realized; the cost associated with the training and the increased risk of injury to the officers.

The cost a law enforcement agency incurs when conducting in-service training can be rather expensive. The collective salaries of the sworn personnel who would receive the training is usually the most expensive element associated with in-service training. Consider how much greater the costs would be if the positions occupied by the personnel involved in the training required personnel from other departments within the agency to work overtime to fill those temporary vacancies in order to deliver the same quality of service to the community (Connolly, 2008). Additionally, if a law enforcement agency did not have an instructor already employed within the agency, they would have to either outsource the training to another law enforcement agency that had the resources, or pay for an existing member of the agency to obtain the necessary instruction/certification to teach it as part of in-service training. Whichever route the agency chose to invest in would require more funds allocated to that cause.

Many agencies are already having to make due with tight budget restraints and may argue additional training in an area which is not a requirement of their respective state, county, or city is simply not feasible. This simply is not a valid reason for not providing the necessary training to law enforcement personnel and the ramifications it could have on an agency financially could prove to be just as costly as the training, and in some cases, even more. A survey of a large number of police chiefs in Texas revealed that average awards for damages in civil liability cases were substantial. Specifically, it was reported that cases were settled with an average compensation amount of \$55,411. However, cases that were heard in court and had a judgment

rendered averaged \$98,100 per settlement (Fishel, Gabbidon, & Hummer, 2007). A quality police training program can have many benefits, to include, among others, a reduction in lawsuits (Scott, 2005).

The cost associated with implementing a defensive tactics program as part of the officer's required continuing education is not the only concern. The greater potential for injury as a result of being involved in the kind of training needed must also be addressed. After all, an officer is no good to their agency or community if they are unable to work.

A study was conducted by the International Association of Chiefs of Police (IACP) in conjunction with the Bureau of Justice Assistance (BJA) compiled data from 18 law enforcement agencies over a one-year period. The study revealed that of all the officers who participated in training, which consisted of those still enrolled in a basic academy, as well as in-service training, only 175 sustained injuries during the study that spanned one year (The International Association of Chiefs of Police & The Bureau of Justice Assistance, 2009, p. 10). However, 63% of the officers who suffered injuries did not receive a safety briefing prior to engaging in the training. That number fell to 41% when the officers were provided with a safety briefing. The most common type of training that was reported during the survey was training on effecting an arrest (defensive tactics), which made up 23% of the training reported.

While requiring law enforcement officers to regularly participate in defensive tactics training could lead to an increase in injuries sustained by the officer, data from the same report suggested that the experience of officers who have received use of force training were a primary reason for seeing a decrease in injuries as well. While

officers may be at a greater risk for injury during defensive tactics training, data reveals a relationship between the training provided and the overall decrease in the severity of injuries. The report suggests that "...proper, proactive preparation for such inherently dangerous encounters is imperative" (The International Association of Chiefs of Police & The Bureau of Justice Assistance, 2009, p. 11).

## **RECOMMENDATION**

This paper has discussed the need to incorporate defensive tactics training into a law enforcement agency's regular in-service training program. While good training, regardless of the topic, is beneficial to all officers, training in defensive tactics is invaluable. The officer will gain proficiency in potentially lifesaving skills, will boast improved confidence in those skills, which will in turn provide a financial relief of having to handle and settle lawsuits brought upon the agency as a result of improper, unjustified, or even illegal use of force.

Opponents to such an amendment to a training program that currently does not require that topic to be taught will point to the added cost of implementing the training, as well as the likelihood of more injuries to the officers who partake in the training, as reason enough to derail the idea without giving it further consideration. The facts presented in this paper have acknowledged those concerns. However, sufficient data has also been supplied which suggests that the cost associated with implementing defensive tactics into an agency's regular training program may not only prove to be less costly than having to pay a settlement to settle a lawsuit, but also that officers who receive regular training in that discipline will not succumb to injuries as frequently as those officers who do not participate in the program.

Law enforcement agencies can ill afford to wait until a dire situation arises that will force a change to what training officers receive once they have been graduated from the classroom and put onto the streets. Just as it is an officer's duty to be proactive and diligent in their efforts, law enforcement agencies must take preemptive action and provide their personnel with all of the tools and knowledge necessary to make those hard decisions that could have life changing ramifications, which is why all officers should be required to maintain proficiency in defensive tactics throughout their law enforcement career.

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