

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
EASTERN DIVISION

KIM BANKHEAD,

Plaintiff;

vs.

No. 1:08CV2484
Judge James S. Gwin
Magistrate Judge Perelman

VILLAGE OF NEWBURGH
HEIGHTS, et al.,

Defendants.

COUNTY OF CHAMPAIGN
STATE OF OHIO

PRELIMINARY EXPERT REPORT OF SAMUEL D. FAULKNER

I, Samuel D. Faulkner do depose and say the following:

I am a former Deputy Sheriff, commissioned with Portage County Sheriff's Office, in Ohio, and a former City of Kent, Ohio Police Officer. In October 1987, I took a position as a Law Enforcement Training Specialist with the Ohio Peace Officer Training Academy (OPOTA). OPOTA is one of the most active and diverse training academies in the nation. After coming to OPOTA, I took a commission with the Madison County Sheriff's Office. In 2000 until 2004, I took a commission with Port of Columbus Airport Authority Police Department where I performed uniform patrol duties a number of times per month. In 2004, I was commissioned by Mechanicsburg Police Department and performed uniformed patrol duties on nearly a weekly basis. In 2007, I was promoted to the rank of Lieutenant with Mechanicsburg PD. In January 2009, I retired from my position with OPOTA. In December 2008, until the present, I was appointed Chief of Police for the Village of Mechanicsburg, Ohio.

My primary areas of instruction include:

- * Use of Force
- * Defensive Tactics Instructor Course
- * ASP Baton Instructor Course
- * Fitness Specialist Course
- * Peace Officer Survival Training
- * Police Officer Tactical Awareness and Response Course
- * Introduction to Fitness and Survival Course
- * Tactical Vehicle "S.T.O.P.S." Course
- * Defensive Driving
- * Weapon Retention / Shot Avoidance
- * Developing A Winning Attitude
- * Developing A Street Ready Mind
- * Communications Response Tactics
- * Becoming A Leader Your Officers Want To Follow
- * State Discipline Chairperson in Defensive Tactics for Basic Peace Officer Training, State of Ohio
- * State Discipline Chairperson in Physical Conditioning for Basic Peace Officer Training, State of Ohio

The following is a partial listing of the organizations or institutions I have instructed:

- * Ohio Department of Natural Resources
- * Ohio Bureau of Criminal Identification and Investigation
- * Ohio State Highway Patrol
- * Kentucky Office of the Governor Criminal Justice Training
- * West Virginia State Police
- * Montana Attorney General's Office
- * Montana State Police
- * Federal IRS Investigators
- * State of Ohio Department of Rehabilitation and Corrections
- * Ohio Military Police
- * USMC Military Police
- * US Navy Military Police
- * International Association of Firearms Instructors (IALEFI)
- * Georgia Association of Firearms Instructors (GALEFI)
- * Maryland State Police
- * Michigan State Police
- * Personnel from a majority of the Police Departments and Sheriff's Offices throughout Ohio

The following is a partial listing of my publications:

- * Ohio Police Magazine
- * The Defensive Tactics News Letter

- * The State of Ohio Basic Training Curriculum for Defensive Tactics
- * The Action - Response Continuum
- * Law and Order Magazine
- * National Sheriff's Magazine
- * Tactical Edge Magazine
- * Police Science
- * The Buckeye Badge
- * Training Aids Digest
- * FBI Law Enforcement Bulletin
- * FBI Journal
- * American Journal of Criminal Justice Sciences
- * Numerous programs on the Law Enforcement Television Network
- * *Reasonable Force Defined*, a book published through the Ohio Attorney General's Office
- * The BACKUP
- * POLICE.Com1

The following are additional facts, honors, or works:

- * Author of the Force Model adopted for Advanced Peace Officer Training, Basic Peace Officer Training, Corrections Training, Private Security Training, and Bailiff's Training for the State of Ohio
- * Author of the force model adopted by the State of Ohio Department of Rehabilitation and Corrections
- * Expert Witness for the Ohio Peace Officer Training Commission, and the State of Ohio Attorney General's Office
- * Presenter/Discussant for the 1992, 1993, and 1997 Annual Meeting of the Academy of Criminal Justices Sciences
- * 1997 Research project with the U.S. Justice Department, National Institute of Justice defining reasonable responses for law enforcement to resistance, assault and aggression
- * Consultant to National Institute of Justice on Force Issues
- * Consultant to Calibre Press, Street Survival on Use of Force and Control Tactics
- * 1998 Research project with Stephen T. Holmes, Ph.D., University of Central Florida Department of Criminal Justice and Legal Services and the Ohio Department of Youth Services defining reasonable responses to juvenile resistance/aggression
- * Presented the force model to the United States National Standards in Training Association 2001 annual meeting
- * Presented the force model to the 2001 National Association of Attorney Generals (NAAG)

- * Presented the force model to CALEA, the Commission on Accreditation for Law Enforcement Agencies National Conference in 2001
- * Presented the force model to IPAC, CALEA in for Midwestern states
- * Presented the force model to the National Major Gang Taskforce Annual Conference
- * Presented the force model to AFSCME Corrections United at their 2007 national conference in Washington DC
- * Action - Response Survey featured on PoliceOne.com, 2007
- * Action - Response Survey featured on CorrectionsOne.com, 2007
- * Action - Response Survey featured in Force Science Review, 2008
- * Advisory Board of RedMan Training
- * Board of Examiners for ASP Expandable Baton
- * Chairman of the Advisory Board for ASP Expandable Baton
- * CEO of Response To Resistance, LLC

I have been retained in over 285 police related cases, providing case analysis, development, and expert witness testimony. I have been qualified in State and Federal Courts, in Defensive Tactics/Subject Control, and Police Procedures.

In formulating my opinions I have reviewed the following documents and materials:

1. Newburgh Heights' Taser policy;
2. Newburgh Heights' Use of Force Reports concerning this incident;
3. Taser certifications for officers involved in this incident;
4. Incident reports pertaining to this incident;
5. Dispatch Logs pertaining to this inc incident;
6. Witness statements;
7. Version 13 Taser training materials;
8. Bedford Heights Police Department Jail Booking information;
9. Cuyahoga County Sheriff's Office Case #107-083, Village of Newburgh Heights Use Of Force Investigation;
10. Transcribed Deposition of Bobby Hoover II;
11. Transcribed Deposition of Christopher J. Minek;
12. Transcribed Deposition of Joseph A. Szelenyi, Jr.; and
13. Transcribed Deposition of Detective John Morgan.

----- OVERVIEW OF EVENTS -----

On November 25, 2007 Officer Hoover was driving his police vehicle eastbound on Washington Park Boulevard and saw the car that Ms. Bankhead was driving stopped at a stop sign on 42nd Street waiting to turn onto Washington Park Boulevard. Due to adverse weather conditions, Officer Hoover believes that he was traveling at a speed of approximately fifteen miles per hour.

Having the right of way, Officer Hoover continued driving through the intersection as Ms. Bankhead pulled out in front of the officer's police car. Officer Hoover states that he almost hit Ms. Bankhead. To avoid a collision, Officer Hoover swerved left of center, into the oncoming traffic lane. The officer then turned on his overhead lights and followed Ms. Bankhead's vehicle.

Officer Hoover called over the radio for backup and that Ms. Bankhead was failing to stop. A short time later Ms. Bankhead pulled over. Officer Hoover radioed to Officer Szelenyi, who was responding to his location as a backup officer; to block in Ms. Bankhead so that her vehicle could not drive away from the location where she had stopped.

Officer Hoover approached Ms. Bankhead's vehicle on the driver's side and Officer Szelenyi approached the vehicle on the passenger's side. Officer Hoover knocked on the driver's side window and motioned for Ms. Bankhead to roll down the window, which she was unable to do. Officer Hoover then opened the driver's side door and ordered Ms. Bankhead out of her vehicle.

In his deposition Officer Hoover stated that there was a "very strong" odor of alcoholic beverage about Ms. Bankhead. Officer Hoover said that Ms. Bankhead had to use her car to steady herself as she moved to the rear of the vehicle and was side stepping. The indicators that Ms. Bankhead exhibited caused Officer Hoover to believe that he was dealing with an intoxicated subject.

Due to the adverse weather conditions and the apparent condition of Ms. Bankhead, Officer Hoover did not perform the one leg stand or the walk and turn field sobriety tests at that time. The officer did try to conduct the horizontal gaze nystagmus (HGN) test. When Officer Hoover instructed Ms. Bankhead to place her hands on her cheeks in order to conduct the HGN, Ms. Bankhead kept her hands down to her sides. Ms. Bankhead would not put her hands on her cheeks and according to Officer Hoover, "she didn't seem as if she was all that coherent with us." (Hoover deposition,

pg. 131, lines 18-19) Officer Hoover then advised Ms. Bankhead that she was under arrest for operating a motor vehicle while under the influence.

Officer Hoover told Ms. Bankhead to place her hands behind her back and she just stood there. The officer then told her to turn around and place her hands behind her back and again she just stood there. Officer Hoover then took hold of Ms. Bankhead's wrist in an attempt to take her into custody. Officer Hoover said, "She began flailing her arms and becoming very resistant while yelling." (Hoover deposition, pg. 134, lines 11-12)

Officer Szelenyi had to assist in the handcuffing process by grabbing Ms. Bankhead's left hand. The two officers were able to turn Ms. Bankhead to face away from the officers. Ms. Bankhead continued to struggle until Officer Hoover placed her in a wrist lock. The two officers were then able to handcuff Ms. Bankhead. Officer Hoover stated that he then double locked the handcuffs.

Ms. Bankhead was then escorted to Officer Szelenyi's cruiser. During that time Ms. Bankhead exhibited passive resistance. When Ms. Bankhead was asked to sit in the back seat of the cruiser she began yelling and screaming. She was asked to calm down and cooperate but she did not comply.

Ms. Bankhead continued to pull away from the officers and refused to sit down. She was yelling that she was evil and that the officers were her friends. The officers were concerned that Ms. Bankhead might break free and step into traffic or force one or both of the officers into traffic. The officers tried pushing on Ms. Bankhead's shoulders to try to get her to sit in the cruiser. She began kicking and did kick Officer Szelenyi a number of times.

Officer Szelenyi took his departmental issued Taser out of his holster. He showed the Taser to Ms. Bankhead and again asked her to cooperate. In his "Use Of Force Supplement," Officer Szelenyi wrote the following:

* (The Taser was actually used in a drive stun mode to the thigh area of Ms. Bankhead only one (1) time.)

- "Taser was activated 4 times.
- 1st and 2nd activation (trigger pull) were to show subject (Kim Bankhead) the Taser in hope that she would comply without actually having to be tased.
- 3rd activation was Drive Stun to left thigh (approx. 5 second stun)
- 4th activation was an attempt of a Drive Stun, but never made solid contact with subject due to her rapid

movements. Subsequently, subject never received a stun from this activation of the Taser."

On pages 140-141 Of Officer Szelenyi's deposition the following is recorded:

A. "Sequence number 95 represents the first time I tried to demonstrate it to her, just visually.

Q. What does sequence number 96 demonstrate?

A. It's the same thing.

In sequence 95, the Taser shut off by itself, so I demonstrated it again, and I wanted to make sure she saw the arc.

Q. What does 97 represent?

A. Ninety-seven represents the actual strike of the Taser onto her left thigh.

Q. Do you see the duration?

A. Five seconds.

Q. All right, Sequence number 98, what does that reflect?

A. That was the attempt at tasing her the final time.

Q. And the duration there is five seconds?

A. Correct."

Number 98 corresponds with the statement of Officer Szelenyi that Ms. Bankhead was pulled into the cruiser by Officer Hoover. Officer Hoover was on the other side of the vehicle and pulled Ms. Bankhead into the car before Officer Szelenyi's Taser made contact with her.

This time the Taser enabled the officers to sit Ms. Bankhead in the police car. When she was seated she continued to kick and would not put her legs into the car. Officer Hoover had to go around to the passenger's side of the patrol car and pull Ms. Bankhead into the car. Once Ms. Bankhead was secured inside of the car, both doors were closed and there was no further physical contact with Ms. Bankhead at that time.

Officer Hoover then had to turn his attention to a male subject sitting in the passenger seat in Ms. Bankhead's vehicle. The subject was asleep and Officer Hoover had to wake him. Officer Hoover learned that the male subject was Mr. Michael Bankhead. Officer Hoover explained to Mr. Bankhead that Ms. Bankhead had been arrested for OVI and that the vehicle would have to be towed and impounded.

Mr. Bankhead became very upset and stated that he wanted to remove the tools from the vehicle. He was told that if he could get someone to pick him up, he could take the tools. Otherwise the tools would have to remain in the vehicle. Mr. Bankhead "began yelling, getting in the

officer's faces, and refusing to leave the scene." (Hoover deposition, pg. 154, lines 6-7)

Mr. Bankhead was arrested for disorderly conduct by intoxication. He did not resist so no control options were used against him. Officer Hoover radioed dispatch and requested assistance from Cuyahoga Heights to send an officer to transport Mr. Bankhead. A Cuyahoga Heights Officer did arrive and Mr. Bankhead was placed in the rear seat of his cruiser for transport to Newburgh Heights Police Department. Officer Hoover remained at the scene of the arrest for approximately ten minutes until Premier Towing arrived to pick up the vehicle. Officer Hoover then returned to his police department.

When Officer Hoover returned to his police department he found Ms. Bankhead in the prisoner holding room. She was handcuffed by her left hand to the right side of the bar of a bench. Officer Hoover asked Ms. Bankhead for a breath sample, which she refused to give. She was read the BMV 2255 Form, asked to sign it and refused that also.

It was learned that Ms. Bankhead was answering a phone that was on the wall in the prisoner holding room. Officer Hoover went into the holding room and ordered Ms. Bankhead to hang up the phone, which she refused. Officer Hoover had to remove the phone from her hand, unplug the phone, force Ms. Bankhead to sit on the bench and grab her right hand to try to secure in another handcuff.

Shortly after that, Officer Landberg came into the copier room and asked Officer Hoover why Ms. Bankhead was up and moving around and not secured. Officer Hoover went back into the holding room saw that Ms. Bankhead had slipped her right hand out of the handcuff. Officer Hoover ordered Ms. Bankhead to sit back down on the bench. She began yelling and refused to sit down.

Officer Hoover took hold of Ms. Bankhead's right hand and attempted to place it again back in the handcuff. During the struggle, Ms. Bankhead was able to manipulate Officer Hoover's hand into the position of a wristlock. Officer Hoover then called for assistance because the confrontation was getting more physical.

Officer Minek heard Officer Hoover's call for assistance and came into the holding room. Officer Minek tried to free Officer Hoover's hand from the grasp of Ms. Bankhead but was not successful. In his deposition Officer Hoover said that he was unable to free his hand from the wristlock without potentially causing Ms. Bankhead injury. Ms. Bankhead then moved her hand from Officer Hoover's wrist to his uniform shirt by the officer's neck. With

that, Officer Hoover and Officer Minek informed Ms. Bankhead that she would be tased if she did not sit down and release Officer Hoover.

Officer Hoover ordered Officer Minek to ready his department issued Taser. Officer Hoover told Ms. Bankhead that she would be tased if she did not release him. Officer Minek took the cartridge off of his taser and arched it in hopes that the visual display would make Ms. Bankhead comply. When the verbal warning and the arching of the taser were ignored by Ms. Bankhead, Officer Minek pressed the taser into the thigh of Ms. Bankhead and activated it.

The Taser caused some movement on the part of Ms. Bankhead, but she continued to fight with the officers. When there was no appreciable reaction in the behavior of Ms. Bankhead, Officer Hoover made a statement, "something must be wrong with it." (Hoover deposition, pg. 169, line 20) Officer Hoover warned Ms. Bankhead again that she would be tased if she did not stop fighting. When she failed to comply, Officer Minek again performed a drive stun to her thigh area. The second time the Taser seemed to have some effect because it caused Ms. Bankhead to sit down on the bench.

Ms. Bankhead sat on the bench for a short time and then she jumped back up again. Officer Minek was shoved into the corner by Ms. Bankhead's movements but officer Hoover had been able to free himself from her grasp. Ms. Bankhead drew back her left fist, which caused Officer Hoover to believe that she was about to strike him. As the struggle continued, Officer Hoover took his department issued Taser from his holster, removed the cartridge, placed it on the desk, placed the Taser against Ms. Bankhead's thigh and warned her that she would be tased if she did not stop fighting and sit down.

Ms. Bankhead again refused to comply. She yelled that she was evil and that the officer was her friend. Officer Hoover issued another warning that was ignored, so he performed a drive stun on Ms. Bankhead's thigh. That stun had no observable effect on Ms. Bankhead's assaultive behavior. Officer Hoover warned her again that she would be tased and again Ms. Bankhead failed to desist.

Officer Hoover pushed the Taser harder into Ms. Bankhead's leg than his first drive stun and activated the taser. This time the Taser had the desired effect. It caused Ms. Bankhead to sit down on the bench and stop fighting. Officer Hoover was able to gain control of her right hand and place it back into the handcuff.

While Officer Hoover and Officer Minek were attempting to control Ms. Bankhead, Mr. Bankhead attempted to escape from the police station. Mr. Bankhead was being held in another area of the police station, with one arm secured to a chair with a handcuff. Mr. Bankhead ran out of the police station dragging the chair with him. Another officer deployed the probes from his department issued Taser to stop Mr. Bankhead's escape and bring him under control.

Officer Hoover asked dispatch to call the squad to check Ms. Bankhead. Officer Hoover noticed that she had scraped her wrist when she pulled it out of the handcuffs, so he wanted her to be assessed. Newburgh Heights EMT Enright responded to treat Ms. Bankhead. The EMT was informed that Ms. Bankhead had been tased. He checked her vital signs and they were fine.

Ms. Bankhead had bruises on her right elbow that the EMT checked also. Ms. Bankhead told the EMT that she had injured her elbow hitting it against the wall because she did not like being in handcuffs. Ms. Bankhead refused any further medical treatment and signed a no transport release that was witnessed by one of the Newburgh Heights Officers.

Officer Minek transported Ms. Bankhead to the Bedford Heights jail, arriving at approximately forty minutes after midnight. Ms. Bankhead was still upset when she was being booked in. When the corrections officer tried to put Ms. Bankhead into the detox cell, she refused to go in. A supervisor was called and Ms. Bankhead was offered a larger cell, which she also refused to enter.

At that time it was noticed that Ms. Bankhead was breathing heavily and she stated that she was having chest pains and felt light-headed. A squad was called and transported Ms. Bankhead to the hospital at approximately 1:35 AM. At the hospital, Ms. Bankhead was treated for anxiety and sent back to the jail at approximately 3:05 AM.

Ms. Bankhead was charged with DUI, Intoxilyzer 5000 refusal, two counts of Disorderly Conduct, Resisting Arrest and Failure to Yield. She made a no contest plea to the DUI charge and the other charges were dropped. Ms. Bankhead had a criminal indictment filed against the Newburgh Officers for Felonious Assault. There was an incorrect indictment so a second one had to be filed. The case went to trail and was dismissed on motions.

----- STATEMENT OF OPINIONS -----

1. It was violations of Ohio Traffic Laws that brought Ms. Bankhead into contact with the Newburgh Heights Officers.
2. The manner in which the Newburgh Heights Officers conducted that traffic stop and arrest of Ms. Bankhead complied with their training and the training given to all Ohio Peace Officers.
3. The responses used by Officer Hoover and Officer Szelenyi in relation to the resistive and assaultive actions of Ms. Bankhead during the traffic arrest complied with the training given to all Ohio Peace Officers.
4. The responses used by Officer Hoover and Officer Minek in relation to the resistive and assaultive actions of Ms. Bankhead while in the holding cell at the Newburgh Heights Police department complied with the training given to all Ohio Peace Officers.
5. The decision by the Newburgh Heights Officers to use the Taser as opposed to other control options was the best decision based on the propensity to establish control in relation to the relative risk of injury both to Ms. Bankhead and the officers.
6. The Newburgh Heights Officers de-escalated appropriately when Ms. Bankhead was brought under control following both of her confrontations with the Newburgh Heights Officers.
7. The follow-up care provided to Ms. Bankhead followed national law enforcement industry training and operational guidelines.
8. The actions and behaviors of Ms. Bankhead and Mr. Bankhead severely taxed the capabilities of the Newburgh Heights Police department.

----- BASIS FOR OPINIONS -----

1. Officer Hoover is a peace officer, commissioned by the Village of Newburgh Heights and certified by the State of Ohio. As such, these officers have taken a sworn oath to uphold the Constitution, the laws of Ohio and the ordinances of the Village of Newburgh Heights.

The driving behavior of Ms. Bankhead, witnessed by Officer Hoover caused the officer to believe that he was dealing either with a stolen vehicle or an intoxicated driver. Officer Hoover had a duty to stop Ms. Bankhead and investigate the situation to determine if his perceptions were valid.

Ms. Bankhead did make a no contest plea to the offense of OVI, operating a motor vehicle while under the influence. The probable cause issue was thus decided and the perception of Officer Hoover was correct. It is my opinion that it was violations of Ohio Traffic Laws that brought Ms. Bankhead into contact with the Newburgh Heights Officers.

2. When Officer Hoover activated his overhead lights, Ms. Bankhead did not stop immediately. Officer Hoover believed that she may attempt to flee, so Officer Hoover radioed for assistance from other officers. When Ms. Bankhead did stop Officer Hoover radioed and requested Officer Szelenyi to position his police car in a manner that would prevent Ms. Bankhead from placing her car in motion again.

There were two subjects in Ms. Bankhead's vehicle so Officer Hoover approached her vehicle from the driver's side and Officer Szelenyi approached from the passenger's side. This tactic is referred to as a contact - cover approach and is trained to officers throughout the nation.

When Officer Hoover got Ms. Bankhead to roll down her window, the officer said that he could smell a strong odor of alcoholic beverage. Ms. Bankhead's driving, along with the odor smelled by the officer gave him reasonable suspicion that she might be impaired. All Ohio Peace Officers are trained in the Supreme Court findings in the case of *Pennsylvania v. Mimms* (1977), and *Maryland v. Wilson* (1997), which concludes that an officer need nothing other than a lawful stop for a traffic violation for an officer to order a driver out of a vehicle. It was both tactically and legally sound for Officer Hoover to request Ms. Bankhead to step out of her vehicle.

Due to the adverse weather conditions and the balance problems demonstrated by Ms. Bankhead, Officer Hoover

decided to not attempt the walk and turn test or the one leg stand. The officer did attempt the HGN test but Ms. Bankhead refused to cooperate and place her hands in the position required to administer the test. It is my opinion that the manner in which the Newburgh Heights Officers conducted that traffic stop and arrest of Ms. Bankhead complied with their training and the training given to all Ohio Peace Officers.

3. Millions of federal research dollars have been spent over the past few years to better understand how police use and implement force. This cost outlay actually has produced little useful information to explain the dynamics of police and citizen confrontations. One reason for this failure is that the number of encounters in which law enforcement officers use force is rare. It is believed that force is used in fewer than 3 percent of all police-citizen encounters (Friedrich, 1997; Fife, 1995; Garner, 1995; Klockers, 1995; Reiss, 1967, Worden, 1995).

The *Police-Public Contact Survey*, of 1996 found that out of the estimated 45 million face-to-face contacts between police and the public, only 1 percent of those contacts resulted in force being threatened or used by the police (Greenfield, Langan, and Smith, 1997). The International Association of Chiefs of Police, in *Police Use of Force in America*, p. I-ii, (2001) found that nationwide, police officers use force at a rate of 3.61 times per 10,000 calls for service to the public. Put another way, police officers do not use force 99.9639% of the time. The U.S. Department of Justice, in *Use of Deadly Force in America*, p. vii, (Oct. 1999) stated that in only a fraction of all force cases - about 0.2% - do police officers use deadly force.

The standard that all law enforcement officers must follow in the use of any type of force against a citizen is derived from the Supreme Court case *Graham v. Connor*, 490 U.S. 386, 104 L.Ed 2d 443, 190 S.Ct. 1865 (1989). As the Supreme Court stated, "all claims that law enforcement officers have used excessive force - deadly or not- in the course of an arrest, investigatory stop, or other 'seizure' of a free citizen should be analyzed under the Fourth Amendment and its 'reasonableness' approach.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody an allowance for the fact that police officers are often

forced to make split-second judgments, in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation."

For the past eighteen years, I have conducted a series of national research projects to determine what law enforcement officers, as well as civilians and corrections officers, consider to be reasonable responses to the types of resistance, aggression and assaults officers must face. I have conducted another similar study with the U.S. Justice Department, National Institute of Justice on this topic. Most recently I have completed a research project involving the Ohio Department of Youth services in which we surveyed juvenile correction officers, juvenile probation and parole officers, law enforcement officers, and juvenile judges in order to ascertain what they felt were reasonable responses to resistance, aggression and assault by juvenile offenders.

The end result of these research projects is the Action - Response Continuum, a copy of which is included with this report. This continuum has become the recommended model for Basic Peace Officer Training, Advanced Peace Officer Training, Corrections Training, Private Security Training, and Bailiffs Training for the State of Ohio. Numerous Police departments and Sheriff's Offices throughout the United States also use it. It can also be found in the West Virginia State Police Policies and Procedures and is trained in their Basic State Police Academy. The Ohio Attorney General's Office has published my research in a book titled, *USE OF FORCE, DECISION MAKING AND LEGAL PRECEDENCE*. The book has been distributed throughout Ohio, as well as the rest of the nation.

Ultimately it is the job of the jury or the court to decide the question of whether or not the responses that law enforcement officers used were reasonable. I just wanted to be responsible in my training position in the Ohio Attorney General's Office as the lead Defensive Tactics/Subject Control for the state in the Ohio Peace Officer Training Academy. I conducted train-the-trainer for virtually any officer that has done any basic training in Ohio since 1987 and in West Virginia since approximately 1990.

The research projects that I have conducted have surveyed the belief systems of approximately sixty thousand respondents. Around fifty thousand respondents are from law enforcement and corrections. The remainder is from civilians, the people who law enforcement officers are

sworn to protect and serve. All of the Defensive Tactics/Subject Control training that I have done and continue to do relates to this research. I will use the Action - Response Continuum to analyze the actions of Ms. Bankhead and the responses of the Newburgh Heights Officers.

After Officer Hoover told Ms. Bankhead that she was under arrest, he told her to place her hands behind her back. When she refused, Officer Hoover repeated his commands. Officer Hoover then attempted to take hold of Ms. Bankhead's hand in order to place her in handcuffing position. Up to this point both Ms. Bankhead and Officer Hoover were in the BLUE area of the continuum.

Ms. Bankhead then began pulling away from the officer and flailing her arms in order to keep Officer Hoover from gaining control. Ms. Bankhead's actions at this time placed her in the YELLOW area of the continuum. Officer Hoover attempted a wrist lock, or joint manipulation, which is a technique found in the GREEN area of the continuum. With the wrist lock and physical strength of the two officers, they were able to place on the handcuffs.

Following her handcuffing, Ms. Bankhead was escorted to Officer Szelenyi's police car by Officer Hoover. Ms. Bankhead offered passive resistance by not responding to the officer's commands and not voluntarily walking. Officer Hoover continued with the verbal directions and the escort position. Both Ms. Bankhead's actions and Officer Hoover's responses at this point were in the BLUE area of the continuum.

When they got to the back of the police car, Ms. Bankhead refused to sit in the car. Officer Szelenyi and Officer Hoover tried to use balance displacement techniques to sit Ms. Bankhead in the car. Ms. Bankhead used her leg to push off of the car and the officers were fearful that she might step into traffic or push an officer into traffic. These actions by Ms. Bankhead would place her in the Yellow area of the continuum.

Ms. Bankhead also kicked Officer Szelenyi in his lower body a number of times. The action of kicking is found in the ORANGE area of the continuum. Officer Szelenyi's response to these resistive and assaultive actions was from the YELLOW area of the continuum; he deployed his department issued Taser.

Prior to the use of the Taser, the Officers Szelenyi established context condition. He told Ms. Bankhead what she needed to do to comply with the officer's commands and then told her what the consequences would be if she did not

comply. The arching of the Taser was a visual display in an attempt to elicit compliance from Ms. Bankhead.

When Ms. Bankhead continued with her actions, Officer Szelenyi used a drive stun to the thigh area of Ms. Bankhead. The Taser enabled the officers to sit Ms. Bankhead in the police car. She still refused to put her legs in the car and continued kicking.

Officer Szelenyi was going to deploy the Taser again but Officer Hoover went to the opposite side of the car, opened the door and pulled Ms. Bankhead into the vehicle. Once the door to the cruiser was shut, there was no further physical contact with Ms. Bankhead at the location of the arrest.

At all times, the responses of Officer Szelenyi and Officer Hoover were below or equal to the continuum training that they have been given and the guidelines of their departmental policy. The evidence and statements of parties on both sides concur that Ms. Bankhead was drive stunned in her thigh area with a Taser once (1) at the location of the original traffic stop. Prior to the application of the Taser, Ms. Bankhead was given verbal and visual warnings of the pending Taser application.

The Taser was applied in response to Ms. Bankhead's dangerous resistive and/or assaultive behavior. It is my opinion that the responses used by Officer Hoover and Officer Szelenyi in relation to the resistive and assaultive actions of Ms. Bankhead during the traffic arrest complied with the training given to all Ohio Peace Officers.

4. The transport back to the police station was basically uneventful. Once at the station, Ms. Bankhead was placed in the holding room, with her left hand handcuffed to a bench, as is the customary practice of the department. Officer Hoover asked Ms. Bankhead for a breath sample, which she refused to give. She was read the BMV 2255 Form, asked to sign it and refused that also.

Ms. Bankhead began using a phone that was on the wall in the prisoner holding room. Officer Hoover went into the holding room and ordered Ms. Bankhead to hang up the phone, which she refused. Officer Hoover had to remove the phone from her hand, unplug the phone and force Ms. Bankhead to sit on the bench. Officer Hoover then took hold of her right hand and secured to the other side of the bench with another handcuff.

Shortly thereafter, Officer Landberg came into the copier room and asked Officer Hoover why Ms. Bankhead was

up, moving around and not secured. Officer Hoover went back into the holding room and saw that Ms. Bankhead had slipped her right hand out of the handcuff. Officer Hoover ordered Ms. Bankhead to sit back down on the bench. She began yelling and refused to sit down.

Officer Hoover took hold of Ms. Bankhead's right hand and attempted to place it again back in the handcuff. During the struggle, Ms. Bankhead was able to manipulate Officer Hoover's hand into the position of a wristlock. Officer Hoover then called for assistance because the confrontation was getting more physical. The actions of Ms. Bankhead at this point placed her in the Yellow area of the continuum.

Officer Minek heard Officer Hoover's call for assistance and came into the holding room. Officer Minek tried to free Officer Hoover's hand from the grasp of Ms. Bankhead but was not successful. Ms. Bankhead then moved her hand from Officer Hoover's wrist to his uniform shirt by the officer's neck. With that, Officer Hoover and Officer Minek informed Ms. Bankhead that she would be tased if she did not sit down and release Officer Hoover.

Officer Hoover ordered Officer Minek to ready his department issued Taser. Officer Hoover again established context condition by telling Ms. Bankhead that she would be tased if she did not release him. Officer Minek took the cartridge off of his taser and arched it in hopes that the visual display would make Ms. Bankhead comply. When the verbal warning and the arching of the taser were ignored by Ms. Bankhead, Officer Minek pressed the taser into the thigh of Ms. Bankhead and activated it. The officer's use of a Taser was from the YELLOW area of the continuum in response to Ms. Bankhead's actions that were also from the YELLOW area.

The Taser caused some movement on the part of Ms. Bankhead, but she continued to fight with the officers. Officer Hoover warned Ms. Bankhead again that she would be tased if she did not stop fighting. When she failed to comply, Officer Minek again performed a drive stun to her thigh area. The second time the Taser seemed to have some effect because it caused Ms. Bankhead to sit down on the bench. At this point both subject's actions and officer's responses were in the YELLOW area.

Ms. Bankhead sat on the bench for a short time and then she jumped back up again. Officer Minek was shoved into the corner by Ms. Bankhead's movements but officer Hoover had been able to free himself from her grasp. Ms. Bankhead drew back her left fist, which caused Officer

Hoover to believe that she was about to strike him. With this behavior, Ms. Bankhead escalated her actions to the ORANGE area of the continuum.

Officer Hoover's response was still from the YELLOW area of the continuum. He took his department issued Taser from his holster, removed the cartridge, placed the Taser against Ms. Bankhead's thigh. Officer Hoover then warned her she would be tased if she did not stop fighting and sit down. When Ms. Bankhead refused to comply Officer Hoover issued another warning. That warning was also ignored, so Officer Hoover performed a drive stun on Ms. Bankhead's thigh. That stun had no observable effect on Ms. Bankhead's assaultive behavior. Officer Hoover warned her again that she would be tased and again Ms. Bankhead failed to desist.

Officer Hoover pushed the Taser harder into Ms. Bankhead's leg than his first drive stun and activated the taser. This time the Taser had the desired effect. It caused Ms. Bankhead to sit down on the bench and stop fighting. Officer Hoover was able to gain control of her right hand and place it back into the handcuff.

The evidence indicates that Ms. Bankhead was drive stunned in the thigh area with a Taser a total of four (4) times while in the Newburg Heights holding cell. Prior to any application of the Taser, Ms. Bankhead was given verbal and visual warnings of the pending application.

Throughout the confrontation at this time, Ms. Bankhead's behavior hovered between the YELLOW/ORANGE areas of the Continuum, Officer Hoover's response remained in the YELLOW area. It is my opinion that the responses used by Officer Hoover and Officer Minek in relation to the resistive and assaultive actions of Ms. Bankhead while in the holding cell at the Newburgh Heights Police department complied with the training given to all Ohio Peace Officers.

5. It is my opinion that the decision by the Newburgh Heights Officers to use the Taser as opposed to other control options was the best decision based on the propensity to establish control in relation to the relative risk of injury both to Ms. Bankhead and the officers. I am including in the exhibits section of this paper three articles relating to the relative safety of a Taser in relation to other control measures available to officers.

The first is from the American College of Emergency Physicians, titled, *Serious Injuries From Taser Are Extremely Rare*, January 15, 2009. The article found that,

"These weapons appear to be very safe, especially when compared to other options police have for subduing subjects." Officer Hoover stated that he used the Taser because he was concerned that he might injure Ms. Bankhead by using other control measures.

The second article is from the Department of Justice Funded Study on Less Lethals' Impact in Use of Force. The title of the article is, *Tasers protect police and save suspects*. "In comparing records of more than 24,000 police officer and suspect conflicts from 12 different police departments, McDonald and his colleagues found the risk of injury to suspects who were arrested with less lethal weapons typically fell more than 60 percent compared to the risk to suspects who were arrested without the devices, when all other conditions were similar."

The third study is from Force Science Review Research Center, in an article titled, *New study ranks risks of injury from 5 major force options*. The Newburgh Heights Officer's decision to use a Taser to control Ms. Bankhead actually reduced the risk of injury to Ms. Bankhead. The above cited study revealed that the use of Conducted Energy Weapons resulted in about 1% of the subjects who were Tased going to the hospital. In most of these instances it was related to the subject injuring himself when they fell. The Newburgh Heights Officers were in a position to prevent Ms. Bankhead from falling freely. More than 42% had only minor injuries, 12% needed minor outpatient treatment, nearly 45% sustained no injuries and there were 0 fatalities.

The officers could have just used empty-hand controls instead of the Taser. This study revealed that 14% of arrest subjects on which empty-hand control options were used required outpatient medical care, 4% had to be hospitalized, almost 50% had minor injuries and about 33% remained uninjured.

In his deposition, Detective Morgan admitted that the use of empty hand control measures could have resulted in sprains, dislocations, fractures or breaks to Ms. Bankhead person. In regards to the relative risk of injury of the control options available, the Newburgh Heights Officers chose the option with the lowest relative risk of injury to control Ms. Bankhead's actions.

No tool or technique works all of the time on everyone. The Taser did have the desired effect in that it did enable the Newburgh Heights Officers to gain control of Ms. Bankhead without causing her any substantial injury.

6. At the original arrest scene, once Ms. Bankhead was under control and placed in the back of the police car, no further control options were used against her. Back at the police department, control measures were only employed in response to the resistive and/or assaultive actions of Ms. Bankhead. Once again, when she was under control, no further control options were used against her. It is my opinion that the Newburgh Heights Officers de-escalated appropriately when Ms. Bankhead was brought under control following both of her confrontations with the Newburgh Heights Officers.

7. National training and operational guidelines dictate that if a subject is injured, appears to be injured or alleges to be injured, they should be given medical attention. Officer Hoover saw that Ms. Bankhead had scraped her wrist when she pulled it out of the handcuff. Also knowing that she had been tased, Officer Hoover wanted to have her wellbeing checked. Officer Hoover notified dispatch to call the medics to check on Ms. Bankhead.

The medics did check Ms. Bankhead and found that she had a bruise on her elbow. She admitted that she had caused this herself by striking her elbow into the wall because she did not like being handcuffed. Ms. Bankhead refused any further treatment and refused to be transported to the hospital to be checked. It is my opinion that the follow-up care provided to Ms. Bankhead followed national law enforcement industry training and operational guidelines.

8. Newburgh Heights Police Department is much like the village department where I am currently Chief of Police. At that time, Newburgh Heights had four full time officers. They had to have a dispatcher come in early so that they would be able to transport Ms. Bankhead to jail.

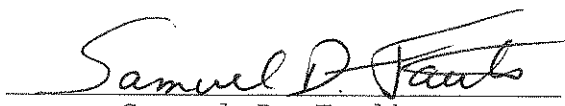
It often required two officers to control Ms. Bankhead, while other officers had to respond to the actions of Mr. Bankhead. It is my opinion that the actions and behaviors of Ms. Bankhead and Mr. Bankhead severely taxed the capabilities of the Newburgh Heights Police department.

It is my understanding that additional information may be ordered and produced in this case. Therefore I respectfully request that this be considered a preliminary account of my opinions based on the materials that I have reviewed. If any additional information is provided that materially alters any of the above opinions I will either make a written supplement to this paper, or make myself available to respond to the newly produced information during any scheduled deposition.

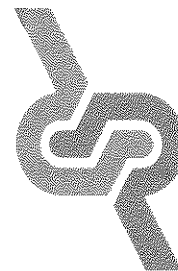
My fees for working on this case are \$250.00 per hour for all time spent plus \$.50 per mile travel expense, and any actual lodging, food or other travel expenses. There is a deposition fee to the Plaintiff of \$1,500.00 based on a four-hour allotment of my time, plus the same travel fee schedule that is listed above.

Exhibits and demonstrative materials:

1. Personal resume;
2. Listing of the cases in which I have consulted or testified within the last four years;
3. Listing of publications authored;
4. Action - Response Continuum;
5. American College of Emergency Physicians, *Serious Injuries From Taser Are Extremely Rare*, January 15, 2009;
6. DOJ Funded Study on Less Lethals' Impact in Use of Force, *Tasers protect police and save suspects: study*, Friday, December 4, 2009, and <http://www.reuters.com/article/idUSTRE5B34OM20091204>;
7. Force Science Research Center, *New study ranks risks of injury from 5 major force options*, Force Science News #102, info@forcesciencenews.com



Samuel D. Faulkner
May 28, 2010



PERSONAL RESUME

Samuel D. Faulkner
8865 Davisson Road
Mechanicsburg, OH 43044
H - 937-834-7002
C - 937-215-6377

Education:

Ridgewood High School, New Jersey, June 1967
Hiram College, Hiram, OH; Bachelor of Arts in Education, June 1971;
Major: Health, Physical Education and Biology;
Phi Beta Kappa Educational Honor Fraternity;
Taught Martial Arts and Self-Defense for the P.E. Department
Kent State University, Kent, OH;
Masters Degree in Physical Education, Exercise Physiology area of Concentration,
August, 1977;
Instituted and Instructed Martial Arts and Self-Defense Programs;
Led KSU Noon Exercise Program for local businessman and professors, which was part
of a 20-year fitness study initiated by Dr. Larry Golding;
Conducted fitness testing for KSU Athletic Department for cardiovascular fitness,
strength, flexibility, and body composition
Also taught at Hiram College and Ursuline College
Wright State University, Post-masters work and study in the Department of Adult
Education, 1991 -
Northwestern University, Center for Public Safety/Traffic Institute, College of Staff and
Command

Law Enforcement Work Experience

1983 - 1984 - Portage County Adult Probation through a State of Ohio program
involving intensive supervision of adult felons, full time
1984 - 1987 - Deputy Sheriff, commissioned with Portage County Sheriff's Office, part
time working in the detective bureau working on drugs, warrant service and extradition of
prisoners
1984 - 1987 - Robinson Memorial Hospital Police Department uniform police officer,
full time
1987 - 1987 - City of Kent, Ohio Police Officer uniform patrol, full time
1987 - 2000 - Held a commission as a deputy sheriff with Madison County Sheriff's
Office
2000 - 2004 - Port of Columbus Airport Authority Police Department uniform patrol,
part time
2004 - December 2008 - Mechanicsburg Police Department part time uniform patrol on
nearly a weekly basis and hold the rank of Lieutenant. Mechanicsburg is a village of

approximately 1200, 30 miles west of Columbus, Ohio, 20 miles east of Springfield, Ohio and 35 miles east of Dayton, Ohio

1987 – January 30, 2009 - Full time employment with the Ohio Peace Officer Training Academy, a section of the Ohio Attorney General's Office. My job title was a Law Enforcement Training Specialist, in one of the most active training academy in the nation.

December 2008 – Present – Chief Of Police for the Village Of Mechanicsburg Police Department.

Law Enforcement Teaching Experience

State Discipline Chairperson in Defensive Tactics for Basic Peace Officer Training, State of Ohio;

State Discipline Chairperson in Physical Conditioning for Basic Peace Officer Training, State of Ohio;

Ohio Peace Officer Training Academy, Commander for Basic Peace Officer Training;

FitForce Instructor/Trainer

Areas of Instruction

Defensive Tactics Instructor Course;
Baton Instructor Course;
ASP Expandable Instructor Course;
Fitness Specialist Course;
Fitness Assessment and Programming Course;
Response to Resistance Liability Reduction Course;
Peace Officer Survival Training;
Police Officer Tactical Awareness and Response Course;
Defensive Tactics for Female Officers;
Defensive Driving;
Communications Response Tactics;
Developing a Winning Attitude;
Developing a Street Ready Mind and Survival Fitness Training;
Becoming A Leader Your Officers Want To Follow;
Aerosol Agent Instructor Course;
How To Conduct A Female Self-Protection Clinic;
Weapon Retention/Shot Avoidance;
Deadly Force n Force Scenario Training;
Tactical Restraint Instructor Course

Prior Teaching Experience

Ohio Department of Natural Resources;

Bureau of Criminal Identification and Investigation;
Ohio State Capital Guards;
Ohio State Highway patrol;
Lexington, Kentucky SWAT Team and Riot Squad;
Lexington, Kentucky Street Officers;
Miami Valley Joint Force SWAT Team;
Ohio Women in Policing Seminar;
Miami Valley Correction Officers;
City Center Security Guards, Columbus, Ohio;
W.O.R.T.H. Correctional Facility , Lima, Ohio;
Holzer Medical Center;
Guest Lecturer in Use of Force for the Kentucky Office of the Governor Criminal Justice Training;
Train the Trainers Course for the State of West Virginia in Defensive Tactics;
Train the Trainers Course for the Commonwealth of Kentucky;
Consultant to State of Ohio Department of Rehabilitation and Corrections on Response to Resistance;
Ohio Military Reserve
Montana Attorney General's Office;
Montana State Police;
West Virginia State Police;
Michigan State Police;
Virginia State Police;
International Association of Law Enforcement Firearms Instructors;
The majority of law enforcement agencies throughout the State of Ohio
Adjunct Professor – Clark State University;
Instructor at:
Muskingum Technical School;
Montgomery County Joint Vocational School;
Akron University;
Kent State University;
Sinclair Community College;
University of Rio Grande;
University of Illinois at Chicago

Educational Work Related Experience

320 Hour Academy Police Basic Training;
Certified Police Academy Instructor, State of Ohio;
Active Countermeasures Instructor;
Pressure Point Control Tactics Instructor;
Baton Instructor;
Defensive Tactics Instructor/Trainer
Instructor/Trainer in Defensive Tactics for PPCT Management Systems;
Physical Crisis Intervention;
Officer Tactics and Advanced Field Tactics;

PR-24 and Kubaton Instructor;
State Certified Semi-Automatic Firearms Instructor;
RIPP Restraint Instructor;
CAP-STUN Aerosol Spray Instructor;
Hand Held Aerosol Agent Instructor/Trainer;
ASP Expandable Baton Instructor;
ASP Expandable Baton Instructor/Trainer
Board of Examiners for ASP Baton and ASP Tactical Restraint
Close Quarter Personal Control Instructor;
Vehicle S.T.O.P.S. Instructor;
Defensive Driving Instructor;
Principle Based Response Tactics Instructor
Principle Based Response Tactics Instructor/Trainer;
Master Ground Defense Instructor
Conductive Energy Device Instructor

Court recognized expert witness in Use of Force, Response to Resistance, Defensive Tactics, Subject Control and Police Procedures in both criminal and civil cases.

Author of Action – Response Model adopted by Advanced Police Training, Basic Peace Officer Training, Corrections Training, Private Security Training and Bailiff's Training for the State of Ohio.

Expert advisor and witness for the Ohio Peace Officer Training Commission and the State of Ohio Attorney General.

Member of the Governor's Office of Criminal Justice Services Law Enforcement Use of Force Liaison Committee.

Presenter/Discussant for the 1992, 1993, and 1997 Annual Meeting of the Academy of Criminal Justice Sciences.

Instructor in Forum For Comparative Program, Topic: Use of Force in the Correctional Environment;

Instructor at the 1992, 1993, 1996, 1997, 1998 and 2000 Attorney General's Conference on Law Enforcement, Topics: Use of Force and Leadership;

Instructor at the 1994, and 1999 American Society of Law Enforcement Trainers Annual Conference, Topic: Use of Force and Action-Response Continuum;

Instructor at Regional and National AFSCME Corrections United Seminars, Topic: Use of Force in a Correctional Environment;

Research Project in 1997 with the U.S. Justice Department, national Institute of Justice defining reasonable responses for law enforcement;

Research Project in 1998 with Ohio Department of Youth Service developing a Use of Force Model for control of juvenile violence;

Consultant to U.S. Justice Department, National Institute of Justice on Use of Force issues;

Consultant to Calibre Press, Street Survival Seminars on Use of Force, and Control Tactics;

Presented Action-Response Model to the National Major Gang Taskforce;

Consultant to hundreds of Police Departments and Sheriff's Offices on Response to Resistance Policies or Action-Response Policies;

Presented the Action-Response Continuum Model to the 2001 National Association of Attorney Generals (NAAG) Conference in San Diego, CA;

Presented the Action-Response Continuum Model to the 2005 National Association of Attorney Generals (NAAG) Conference in 'Washington, DC

Presenter and Discussant at Ohio Chief's Of Police, Electro-Muscular Disruption Technology Symposium in Columbus, Ohio, November 2-3, 2005
Consultant for the U.S. Department Of Homeland Security

Developed the vendor neutral individual chemical repellent instructor training for the State of Ohio Attorney General's Office

Developed the vendor neutral conductive energy device instructor training for the State of Ohio

Publications in:

Ohio Police magazine;

The Defensive Tactics News Letter;

Working the Streets, Mid-West D.T. News Letter;

The State of Ohio Basic Training Curriculum for Basic Peace Officer Training, Basic Correctional Officer Training, Basic Private Security Training and Basic Bailiff's Training;

The Action-Response Continuum;

Law and Order Magazine;

National Sheriff's Magazine;

Tactical Edge Magazine;

Police Science;

POLICE Magazine;

The Buckeye Badge;

Training aids Digest;

Close Quarter Personal Control Basic and Instructor manual;

Strategies & Tactics of Patrol Stops (S.T.O.P.S.0 Basic and Instructor manual;
FBI Law Enforcement Bulletin;
FBI Journal;
American Journal of Criminal Justice;
Numerous programs on the Law Enforcement Television Network (LETN);
Author of a book published by the Ohio Attorney General's Office,
USE OF FORCE, DECISION MAKING AND LEGAL PRECEDENCE;
2001 Ohio Chief's of Police Magazine on writing Response to Resistance Policies;
Commission for Accreditation of Law Enforcement Agencies (CALEA) National
Journal. October, 2004

Honors and Other Activities

Speaker at Ohio Chiefs of Police Fitness Seminar, 1989;
Helped establish and perform initial fitness assessment for Richland County ASORT
Team;
Speaker at seminar for Safety and Security Officers in health care organizations;
Elected by Buckeye State Sheriff's Association to establish a defensive tactics curriculum
for statewide mandated correctional officers training program, and to teach the train the
trainers course in same;
Medalist in the 1985 Ohio Law Enforcement Olympics in Martial Arts;
Double Gold Medalist in the 1986 Ohio Law Enforcement Olympics;
Participant in the 1986 International Law Enforcement Olympics;
Honorary Kentucky Coronal;
1997 Ohio Attorney General's Office Attorney General's Professional Award
Member of Ohio Association of Chiefs of Police, OACP
2009 Ohio Distinguished Law Enforcement Training Award

Military Background

USMC Basic Training at Paris Island
PFC Meritoriously;
Platoon Dress Blue Honor Man
National Spirit Honor Medal from Congress awarded to 1 in 10,000 Marines;
First person in the history of Marine Corp Boot Camp to graduate with perfect
Proficiency and Conduct evaluation marks;
USMCR Instructor in hand-to-hand combat and physical training;
Honorably discharged with the rank of sergeant.

CASES IN WHICH SAMUEL D. FAULKNER HAS CONSULTED, OR
TESTIFIED AT TRIAL OR DEPOSITION THE PAST FOUR YEARS

1. Jill Farris v. Jeffrey L Robinson, et al., Case No. 1:01CV1787,
United States District Court, Northern District of Ohio, Eastern Division
2. State of Ohio vs. Theodore Wynn Hodge, Case No. 2001-CR-1415,
Montgomery County Court Of Common Pleas
3. Hatim Damara, et al., vs. Lt. Officer Kim Cornachio, Case No. 1:00 CV 2009,
United States District Court, Northern District Of Ohio, Eastern Division
4. Thomas William Browning v. Kanawah County Sheriff's Office et al., Civil Action No.
2:00-0619, United States District Court, Southern District of West Virginia, Charleston
5. Donald Maclay, et ux. V. Ronald C. Jones, et al., Case No, 99-CV-266-F,
In The Circuit Court Of Mercer County, West Virginia
6. Mary Watkins, et al. v. Sgt. Shearer, et al., Case No. C-1-01-624,
United States District Court, Southern District Of Ohio, Western Division
7. McGhee v. City of South Charleston, et al., Civil Action No. 2:01-1308
8. D. Bumgardner v. Rodighiero, et al., Civil Action No. 2:01-0685
9. Eddie Bryan Blanenship v. G.A. Syres, T.A. Bailey, and The City Of Princeton,
Civil Action No. 1:00-1146, United States District Court,
Southern District Of West Virginia At Bluefield
10. Dennis J. Milko v. City of Weirton, et al., Civil Action No. 5:01CV28,
United States District Court, Northern District of West Virginia
11. Annie Bradberry et al. v. Madison Township, et al., Case No. 01CVC12 12903
Franklin County Court Of Common Pleas, Franklin County, Columbus, Ohio
12. John C. Sconish, et al. V Robert K. Lane, et al., Civil Action No. 01-C-170,
Circuit Court of Marion County, West Virginia
13. Fred Johnson v. Ohio Division of Natural Resources, Division of Wildlife, et al.,
Case No. C 3 01- 414, United States District Court, Southern District Of Ohio,
Western Division
14. Kenneth Marcus vs. City Of Hazelton, et al., Civil Action No. CV 01-1444,
United States District Court For The Middle District Of Pennsylvania

15. Calvin H. Thorne v. West Virginia Department Of Public Safety, et al., Civil Action 2:01-CV-481, United States District Court, Southern District Of West Virginia At Charleston
16. Rodney Eads v. The West Virginia State Police, et al., Civil Action No. 00-C-2508, Kanawha County Circuit Court, West Virginia
17. State Of Ohio v. Sgt. James Zimomra, Trumbull City Case
18. Patricia Carter, et al. v. Daniel W. Beck, et al., Case No.: 3:01 CV 7437, U. S. District Court, Northern District of Ohio, Western Division
19. Ptl. Frank Steven Lesinski v. State of Ohio
20. Heston Cuffy v. Maj. Larry A. Van Horn, et al., Case No.: 3:99CV7726, U.S. District Court, Northern District of Ohio, Western Division
21. Billy J. Dunfee v. Ronald J. Greenwood, et al., Case No.:C2-02-315, U.S. District Court, Southern District, Eastern Division
22. Kim D. Hickson v. Kevin L. Sawyers, et al., Civil Action 2:02-C4-41, U.S. District Court, Northern District of West Virginia, Elkins Division
23. Dennis Williby and Rebecca Mae Willby v. City Of Princeton, et al., Civil Action No 00-C-278-K, Circuit Court Of McDowell County, West Virginia
24. Amanda Carnes v. Coshocton County Sheriff's Department, et al., Case No.:C2-02-062, U.S. District Court, Eastern Division
25. Christopher C. Hanson v. The City Of Parkersburg, et al., Civil Action No.: 01-C-524, Circuit Court Of Wood County, West Virginia
26. Theresa Sheets, et al. vs. Sergeant Howard Mullins, et al., Case No. 00 CV 158, Gallia County Common Pleas Court, Ohio
27. State of Ohio v. Jameel Talley, Case No.: 430942, Court of Common Pleas, Ohio
28. Carolyn E. Houchins, Personal Representative for the Estate of Joseph Houchins v. City of South Charleston, and J. A. Compton, Case No. 03-C-1037, Circuit Court Of Kanawha County, West Virginia
29. Mark A. DiBlasio v. John P. Shoopman, et al., Case No. C2-02-349, United States District Court, Southern District of Ohio, Eastern Division
30. Robert A. Hunter v. Village of Attica Police Department, et al., Case No. 54838, Court Of Common Pleas, Seneca County, Ohio

31. Vincent Darling v. Dick Clark's American Bandstand Grill, Case No. 02CV11-13346, Court Of Common Pleas, Franklin County, Ohio
32. Michael A. Ferrante, et al. v. George M. Peters, et al., Case No. 1:02 CV 1333, United States District Court, Northern District Of Ohio, Eastern Division
33. Nicholas Sargent v. City of Toledo Police Department, et al., Case No. 3:03CV7261, United States District Court
34. Steven Fryer v. Jeffrey Woofert, Sheriff, Case No.: 01-C228-R, Circuit Court of Hancock County, West Virginia
35. Georgia Bickerstaff v. Edward Lohn, et al., Case No. 1:03CV240, United States District Court, Northern District of Ohio, Eastern Division
36. Bonnie Prater, Administratrix of the Estate of Alexander L. Wright, Jr. v Town Of Was, and Scott Dingus, Civil Action No. 02-C-247-S, Circuit Court of McDowell County, West Virginia
37. Estate of Willian J. Bing v. City of Whitehall, Ohio, Case No. C-2-03-510
38. Martin Morelock and Brian Lunsford v. C/O Watlet Bender, Case No. C-1-03-047
39. Sharon I. Helriggle, et al. v. Det. George Pettit, et al., Case No. C3:03-336, United States District Court, Southern District Of Ohio, Western Division
40. Michael Keith Golden, et al., v. Troopers Kozik, Barger and Boring, et al., Case No. 1:03 CV-46, United States District Court, Northern District of West Virginia, at Clarksburg
41. Sharon Carr v. T.D. Bradley, et al., Case No. 5:03-0543, United States District Court, Southern District of West Virginia
42. Vanessa Jean Pruitt, et al. v. West Virginia State Police, et al., Case No. 03-C-136
43. Gay Grafton v. SCMA, INC, et al., Case No. 02CV1131D, Court Of Common Pleas, Richland County, Ohio
44. Dennis Williby, et al., vs. City Of Princeton, West Virginia, et al., Case No.00-C-278-K, Circuit Court of McDowell County, West Virginia
45. Scott Magrum v. Chris Meinke, Case No. :3-03CV7306, United States District Court, Northern District Of Ohio, Western Division

46. Lojowsky v. Tower City Developers, Case No. 460753,
Cuyahoga County Court Of Common Pleas
47. Penny Martin, Representative of the Estate of Billy Martin, Deceased, v Michael D. Magers, et al., Case No. 3:04cv7124, United States District Court - Northern District of Ohio - Western Division
48. Loretta Norman v. City of Lorain, Ohio, et al., Case No. 1:04 CV 0913,
United States District Court – Northern District of Ohio – Eastern Division
49. Hartsook v. Miller, Case No. C2 03 1137, United States District Court,
Southern District of Ohio, Eastern Division
50. Kevin T. Weaverling, et al. v. West Virginia State Police, Et al., Case No. 03-C-438,
Circuit Court of Berkley County, West Virginia
51. Teresa Lewis v. Adams County et al., Case No. 1:04 CV 301,
United States District Court, Southern District of Ohio, Western Division
52. Amanda Morrison v. Board Of Trustees Of Green Township, et al., Case No. C-1-03-775,
U.S. District Court, Southern District Of Ohio, Western Division
53. Jordan v. Lambert, Case No 5:02-0488
United States District Court, Southern District Of West Virginia
54. David Nelson, et al. v. M.M. Kingery, et al., Civil Action No: 02-C-465,
Circuit Court Of Berkeley County, West Virginia
55. Yusef Ali v. City Of Louisville and Louisville-Jefferson County Metro Government,
Civil Action No. 3:03CV-427-R, U.S. District Court, Western District Of Kentucky,
Louisville Division
56. Barry Mershon, v. Jason Langley, et al., Case No. 2:04-CV-478,
U.S. District Court, Southern District Of Ohio, Eastern Division
57. Hellen N. Hines, Administratrix of the Estate of Terry L. Hines, Deceased, v. City Of Louisville, Case No. 03-CI-02830, Jefferson Circuit Court, Division (11), Kentucky
58. Rhonda Cox v. Brian Hammontree and Micah Feltner, Case No. 5:04-0421,
U.S. District Court, Southern District of West Virginia
60. Rhonda Cox v. Brian Hammontree and Michael Feltner, Case No. 5:04-0421,
U.S. District Court, southern District of West Virginia
61. FOP v. Forrest Park Police Department, Arbitration, August, 2005

62. Thomas N. Taneff, Administrator for The Estate of Kevon Matthews, Deceased v. David Burks and City of Reynoldsburg, Ohio et al., Case No. 03CVC 12-13326 and Case No. 04-CVC 12-12782, Court of Common Pleas, Franklin County, Ohio
63. State Of Ohio v. Keith Carroll, Case o. 05-CRB 00026, Fairfield County Municipal Court
64. Patrick Rumer v. The Kroger Co. et al., Case No. 05CVC-01-1041, Franklin County Common Pleas Court
65. Michael A. Wilhelm, Individually, etc. v. Chief George Clemens, III, et al., Case No. 3:04CV7562, U.S. District Court, Northern District of Ohio, Western Division
66. Shane Bucerl v. Allen County Sheriff's Department, et al., Case No. 3:04CV7353, U.S. District Court, Northern District of Ohio, Western Division
67. Bobbie Jo Cundiff v. David Michael Mueller, et al., Case No. C-1-03-88, U.S. District Court, Southern District of Ohio
68. Christopher N. Estok, Administrator of the Estate of Eric J. Estok, Deceased v. City Of Ashtabula, et al., Case No. 05-CV-147, Court Of Common Pleas, Ashtabula County, Ohio
69. Shay Neace, et al. v. Perry Township Police Department, et al., Case No. 5:04 CV 545, United States District Court, Northern District Of Ohio
70. Robert Nickel v. Steven Hilling, et al., Case No. C2:05-414, U.S. District Court, Ohio Attorney General's Office
71. Deborah Sue Osborne v. Municipality Of Bramewll, et al., Case No. 1:05-0106, United States District Court, Southern District, West Virginia
72. Jerry C. Killen, Jr. v. Town Of Hinton, et al., Case No. 05-C-7, Circuit Court Of Summers County, West Virginia
73. James Strain v. J.S. Payne, et al., Case No. 05-7244, United States District Court Of Ohio, Western Division
74. Steve Martin v. Village of Cleves, Case No. A 0409433 Court of Common Pleas, Hamilton, Ohio
75. Satterwhite, E/O Moore v. Catholic Health Partners. Et al., Case No. 06 CV 145264, Court of Common Pleas, Lorain County, Ohio
76. Sean Scipio, Sr. v. City of Steubenville, et al., Case No.: 2:05CV759,

United States District Court, Ohio

77. Wesley Dalton v. Jerry Monagon and Westley A. Amend, Jr. and Community Health PartnersOf Ohio, Case No. 06CV144682, Court Of Common Pleas, Lorain County, Ohio
78. Tracey Baker v. Jeffrey Sandlin, Case No. 1:05CV632, United States District Court, Southern District Of Ohio, Western Division
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80. Victoria J. Dittrich vs. Richard J. Seeds, et al., Case No. 03-CV-6128, United States District Court, Eastern District, Pennsylvania
81. Betty Emmert, at al. v. Susan Cook, et al., Case No. C2 05 1140, United States District Court Southern District Of Ohio, Eastern Division
82. Mary Beth Gergely, et al. v. Casey Martin, et al., Case No. 06-C-216-S, Circuit Court Of Mercer County, West Virginia
83. Eugene Wrinn, Jr., v. Daren Johnson, et al., Case No. 3:06CV02188, United States District Court, Northern District Of Ohio, Western Division
84. Lt. James Bell v. Port Royal Police Department, SC
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90. Kimberly Bowers et al. v. Eric Popish and City Of Weirton, Case No. 5:07-CV1, United States District Court, Northern District, West Virginia, Wheeling Division
91. Pethtel v. West Virginia State Police, et al., Case No. 5:06-CV-87,

United States District Court, Northern District, West Virginia

92. Holland v. Bosworth, Case No. 1:06 CV 2875,
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93. Lyndal Kimble v. Officer Greg Hosos et al., Case No.: 4:03 CV 2379,
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United States District Court, Northern District of Ohio, Eastern Division
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97. Estate of Jacques Quinton Davenport, et al. v. D & R K Lounge, et al.,
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98. Michael Arthur Molina v. Terry Stanley, et al., Case No. 3:06-CV-79,
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U S District Court, Southern District of West Virginia, At Charleston
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102. Steven C. Scott v. City Of Ranson, et al., Case No. 3:07cv138,
US District Court, Northern District, West Virginia
103. Mark Bowers, et al. v. City Of Weirton and Eric Popish, Case No. 5:07-CV-1,
US District Court, Northern District, Wheeling Division, West Virginia
104. Dujuan Rose v. Andrew Olsen, Ryan LaPratt and City of Battle Creek,
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105. Commonwealth of Kentucky v. James Kyne, Case No. 06-CR-505,
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106. William R. Reed v. Nashville Metropolitan Police Department, Civil Service Hearing

107. Commonwealth Of Kentucky v. Terry Williams, Jr., Case No. 07-CR-538, Commonwealth Of Kentucky, Kenton Circuit Court, 3rd Division
108. Anthony Lavender v. West Virginia Regional Jail, et al., Case No. 3:06-1032, US District Court, Southern District of West Virginia, Huntington Division
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111. Matthew Davis v. City Of Ashtabula, et al., Case No. 1:08-cv-00776, US District Court, Northern District Of Ohio, Eastern Division
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116. Dale A. Gorecki v. City of Cambridge, et al., Case No. 2:07 CV 420, U.S. District Court, Southern District of Ohio, Eastern Division
117. Richard Revely et al. v. City of Huntington, et al., Case No.: 3:07-CV-00648, U.S. District Court, Southern District of West Virginia, at Huntington
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120. United Transportation Union and Rick Chapman v. Gary L. Perdue, et al., Case No. 5:07-CV-0682, U.S. District Court, Southern District Of West Virginia

121. Timothy A. Peck, II v. Gene A. Kelly, et al., Case No. 3:07 CV 0319,
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122. Ralph Alexander v. Chad McGarry et al., Case No: 4:07 CV 03667,
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123. John Slater v. Adam Scott, et al., Case No: 06-C-1661,
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US District Court, Northern District Of Ohio, Eastern Division
125. Lauren Reynolds v. City Of Martinsburg, et al., Case No. 3:09-cv-00016,
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126. David P. Good v. Paul Bliss, et al., Case No. A 0706211;
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127. Mark D. McCullaugh, et al. v. Office of County Executive Summit County, et al.,
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128. Shirley Massarelli v. Jeff A. Moore, et al., Case No. 5:07 CV 1446,
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130. Geneva Maynard, Administratrix of Christopher Retliff, v. City Of Huntington,
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131. Ruggles v. City of Huntington, et al., Case No. 3:08-1425,
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132. Veronia B. Strickland, et al. v. Gary Perdue, et al., Case no. 2:08-cv-1039,
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138. Andrew Adkins v. Town of Danville, West Virginia, et al., Case No.: 2:09-00366,
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139. Josh Adams, et al. v. Village of Beaver, et al., Case No. 2:08-cv-677,
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142. Terry Caldwell v. C.J. Holloran, et al., Case No. 3:09-0298,
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143. Rayshaid M. Robinson v. Health Alliance Of Cincinnati, et al., Case No. 1:09CV164,
U.S. District Court, Southern District of Ohio, Cincinnati
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U.S. District Court, Northern District of Ohio
147. Kim Blankhead v. Village of Newburg Heights, et al., Case No. 1:08 CV 02484,
U.S. District Court, Northern District of Ohio, Eastern Division
148. Nathan Alexander v. Cleveland Clinic Foundation, Case No. CV 09-706351,
Court of Common Pleas, Cuyahoga County, Ohio
149. Terrence Knotts v. City of Kingswood, et al., Case No. 09-C-197,
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150. Michael Wallace v. The City Of Smithers, et al., Case No. 09-C-318,
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151. Donna Woods, et al. v. Town of Danville, West Virginia, et al., Case No.: 2:09-00366
United States District Court, Southern District of West Virginia
152. Rocky Cutlip, sr. v. Toledo Police Department et al., Case No. CI0200704296,
Court of Common Pleas, Toledo, Ohio

153. Jeff Becker v. City of Westover, et al., Civil Action No. 08-C-877,
In The Circuit Court Of Monongalia County, West Virginia
154. Gary Clyde Borham, and Linda Ann Borham v. Eric Popish, et al., Civil Action
No. 5:09-CV-65, United States District Court, Northern District of West Virginia

PUBLICATIONS

1. *Individual and Situational Determinants of Police Force: An Examination of Threat Presentation*, American Journal of Criminal Justice, Vol. 23 No. 1, 1998;
2. *Policing Is Not A Football Game*, Law and Order, Vol. 42, No. 5, May, 1994;
3. *A Ralph Nader Approach To Law Enforcement Training, Subject Control – Unsafe At Any Speed*, Police Studies, The International Review of Police Development, In affiliation with the Police Section of the Academy of Criminal Justice Sciences, Vol. 17, Number 3, Fall, 1994;
4. *Defining Reasonable Use Of Force*, Training Aids Digest, Vol. 19, No. 2, February, 1994;
5. *Officer – Action, Use Of Force Continuum*, Defensive Tactics Newsletter, Volume 1, Number 1, July, 1991;
6. *Subject Control In The Real World*, Working The Street, Volume 1, Issue 1, Jan/Feb/March, 1994;
7. *Defining Reasonable Force*, Line of Duty, Vol. 4, Issue 3, Fall, 1998;
8. *Understanding The Action – Response Use Of Force Continuum*, Close Quarter Personal Control Student & Instructor Manuals, 1991;
9. *Words, The Ammunition of the Courtroom*, CALEA Update, October, 2004;
10. *Policing Is Not A Football Game*, Law and Order, Vol. 42, No. 5, May, 1994;
11. *Use of Force: response to another's action of resistance*, Ohio Police Chief Magazine, Winter, 2001;
12. *Police Use Of Force*, The ASLET Journal, July/August, 1994, Volume 9, Issue 4;
13. *Use Of Force Questionnaire*, POLICE, The Law Officer's magazine, Volume 17, Number 1, 1993;
14. *The Faulkner Frisk*, POLICE, The Law Officer's Magazine, Volume 16, Number 2, 1992;
15. *Let's Twist Again*, POLICE, The Law Officer's Magazine, Volume 16, Number 4, April, 1992;
16. *Grip, Dip and Twist*, The Tactical Edge, Winter, 1993;

17. *The Faulkner Frisk*, The Tactical Edge, Fall, 1992;
18. *An Open Letter to Society*, The Tactical Edge, Spring, 1994
19. *Faulkner On Force Part I and Part II*, Calibre Press Street Survival magazine No. 73, 06/19/96;
20. *LETN Films Use Of Force Continuum at OPOTA*, The Buckeye Badge, Volume #4, Issue 2, Spring, 1994;
21. *Firearms training any time, anywhere*, Law Enforcement Technology, August, 1999;
22. *Use Of Force Survey Response*, POLICE, The Law Officer's Magazine, Volume 17, Number 7, 1993;
23. *USE OF FORCE, Decision Making And Legal Precedence*, Ohio Attorney General's Office

ACTION - RESPONSE CONTINUUM

IMPORTANT - The list of officer responses is *not* intended to be in any specific order, but reflects on the amount of resistance encountered. The officer will choose the reasonable response to gain control of the situation based on departmental policy, his physical capabilities, perception, training and experience.

Weapons Used Against Officer Attempting to Disarm Officer Life Threatening Weaponless Assaults	Deadly Force
Striking or Kicking Officer	Baton Techniques or Sleeper Holds
Wrestling With Officer Pushing Officer	Striking, Punching, Kicking Aerosols or Electrical Devices Baton Restraints
Pulling Away From Officer Refusing to Move - Dead Weight	Striking Muscle Groups Take Downs, Joint Manipulations or Pressure Points
Not Responding to Commands Verbal or Physical Danger Cues	Balance Displacement Escort Position Assistance From Other Officers Verbal or Physical Commands Officer Presence

INDIVIDUAL'S ACTIONS

OFFICER'S RESPONSES

Continuum of Arrest:

Control – Handcuff – Search – Evaluate – Transport

OFFICER - SUBJECT FACTORS

1. Age
2. Sex
3. Size
4. Skill Level
5. Multiple Subjects/Officers
6. Relative Strength

SPECIAL CIRCUMSTANCES

1. Closeness of a Weapon
2. Injury or Exhaustion
3. Being on the Ground
4. Distance From the Subject
5. Special Knowledge
6. Availability of Other Options
7. Environmental Conditions
8. Subject Handcuffed



NEWS RELEASE

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Contact: Julie Lloyd
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SERIOUS INJURIES FROM TASER ARE EXTREMELY RARE

Washington, DC— A three-year review of all Taser uses against criminal suspects at six law enforcement agencies found only three significant injuries out of 1,201 criminal suspects subdued by conducted electrical weapons (CEW), or Tasers, and reports that 99.75% of criminal suspects shocked by a Taser received no injuries or mild injuries only, such as scrapes and bruises. The study is published online today in the *Annals of Emergency Medicine* ("Safety and Injury Profile of Conducted Electrical Weapons Used By Law Enforcement Officers Against Criminal Suspects").

"These weapons appear to be very safe, especially when compared to other options police have for subduing violent or combative suspects," said study author William P. Bozeman, MD, of Wake Forest University in Winston Salem, North Carolina. "That is not to say that injuries and deaths are impossible. Police and medical personnel need to be aware of the potential for serious injury and look for evidence that a person subdued by a Taser has been hurt."

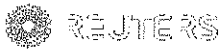
The findings represent the first large, independent and multi-center study of CEW injuries. Of the 1,201 criminal suspects, 492 suffered mild injuries, mostly superficial puncture wounds (83 percent). Of the three subjects who sustained significant injuries, two suffered from head injuries related to falls; the third suffered rhabdomyolysis, or a rapid breakdown of muscle tissue. Ninety-four percent of the suspects were male, and alcohol or intoxication was documented in almost half of the cases (49.5 percent).

More than two-thirds of United States law enforcement agencies currently use CEWs.

"While injuries from Taser are uncommon, they are not unheard of," said Dr. Bozeman. "Subjects exposed to a CEW discharge should be assessed for injuries, and appropriate medical evaluation should be provided when non-trivial injuries are apparent or suspected. Existing medical and/or psychiatric conditions in the suspect may cause or contribute to the behavior that leads police to use Taser to subdue suspects. These underlying conditions may require medical assessment and treatment, independent of Taser exposure."

Annals of Emergency Medicine is the peer-reviewed scientific journal for the American College of Emergency Physicians, a national medical society with more than 27,000 members. ACEP is committed to advancing emergency care through continuing education, research, and public education. Headquartered in Dallas, Texas, ACEP has 53 chapters representing each state, as well as Puerto Rico and the District of Columbia. A Government Services Chapter represents emergency physicians employed by military branches and other government agencies. For more information visit www.acep.org.

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Tasers protect police and save suspects: study

Fri, Dec 4 2009

By Ford Vox, MD

NEW YORK (Reuters Health) - Police departments that use "stun" devices like the Taser and other "less lethal weapons" such as pepper spray can expect to see rates of injury among suspects and officers drop dramatically, according to the first federal government-backed analysis of multiple police department arrest records.

As less lethal weapons rose in popularity and availability during this decade, local police departments tended to develop their own internal policies governing them, the study's authors note in their report in the December issue of the American Journal of Public Health. The Department of Justice funded the study, one of several it says it will use to determine which "use of force" policies allow police to work most safely.

One concern of Amnesty International and other Taser critics is that police are more likely to use Tasers in situations that would not have called for physical force. That could mean that even if the injuries sustained by suspects are less severe than those they would have sustained during the use of other physical force, there are more injuries overall.

At least 350 people have died after they were Tasered, according to Amnesty International. It's unclear why, but in many well-documented cases, the victims were highly agitated, drugged, or had chronic medical conditions. Taser International says that the device's barbs cause skin punctures, and if used improperly, Taser fire can cause subjects to fall from a height or injure the face or groin.

"If you just do a simple comparison between cases where they use a less lethal weapon and those where they don't, you get the impression that the weapon causes injury," said John MacDonald, a criminologist at the University of Pennsylvania who led the study.

To make their comparison more meaningful, the authors took a number of factors into account. In particular, they compared the number of times police had conflicts with suspects when officers had Tasers to when they did not.

Police usually resort to Tasers and pepper spray in more dangerous situations where injuries are more likely to occur, MacDonald said. In comparing records of more than 24,000 police officer and suspect conflicts from 12 different police departments, MacDonald and his colleagues found the risk of injury to suspects apprehended with less lethal weapons typically fell more than 60 percent compared to the risk to suspects who were arrested without the devices, when all other conditions were similar.

(Police department records did not specify the type of conducted energy weapon being used, but given Taser International's market share, MacDonald believes 90 percent of the devices were Tasers.)

MacDonald's team zoomed in on the Orlando, Florida and Austin, Texas police departments, because they both had records before and after the implementation of less lethal weapons. Orlando's rate of suspect injury dropped 53 percent after the Taser rollout, and officer injuries dropped 62 percent. The impact in Austin - where the Tasers were phased in slowly - was smaller but still significant at 30 percent less for suspects and 25 percent less for officers.

Taser International spokesperson Stephen Tuttle said his company - which had nothing to do with the new study - is thrilled by the new scientific support. "Taser has taken it on the chin for a number of years," Tuttle told Reuters Health. "This is really a watershed for Taser in terms of finally getting some actuarial, epidemiological data out there to show that Tasers are really reducing injuries."

One heart specialist who has studied deaths linked to Tasers said he still thinks all agencies who use Tasers should have automatic external defibrillators (AED) on hand in case it is necessary to restart suspects' hearts. "The study does nothing to examine the harm side of the Taser equation (as our study did), only the benefits side," Zian Tseng, a cardiologist at the University of California, San Francisco, wrote Reuters Health in an email.

MacDonald said requiring an AED in the back of every police cruiser would be disproportionate to the risk. He said that physical force "is much more likely to cause injury and death. For the average case where someone is struggling, Taser is better than getting hit with baton or a flashlight."

Still, "if there are other less lethal devices that people can invent that can cause even less harm that's great," he said.

SOURCE: American Journal of Public Health, December 2009.



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In this issue:

New study ranks risks of injury from 5 major force options

How would you rank the relative risk for officers and suspects suffering injury from these 5 force options:

- Empty-hand control techniques
- Baton
- OC spray
- Conducted energy weapons (Tasers)
- Lateral vascular neck restraint.

If you judged OC to be the ?safest? and baton to be ?most injurious? to both officers and offenders, you're in agreement with the findings of a new study of force encounters involving officers on a major municipal department.

The study, the first of its kind in Canada, was conducted by S/Sgt. Chris Butler of the Calgary (Alberta) Police Service and Dr. Christine Hall of the Canadian Police Research Center.

They analyzed 562 use-of-force events that occurred across a recent 2-year period as officers effected the arrests of resistant subjects in Calgary, a city of more than 1 million population. The threatened or actual use of firearms were omitted from the review, as were handcuffing, low-level pain compliance techniques like joint locks and pressure points, K-9s, and tactical responses such as chemical agents, flashbangs and less-lethal projectiles.

Here's what they discovered:

- **OC, used in roughly 5% of force-involved arrests, produced the lowest rate of injury.** More than 80% of sprayed subjects sustained no injury whatever. About 15% had only minor injuries (?visible injuries of a trifling nature which did

not require medical treatment?) and some 4% had what the researchers termed ?minor outpatient? injuries (some medical treatment required but not hospitalization). No cases resulted in hospitalization or were fatal.

Officers involved in OC use fared even better. They suffered no injury in nearly 89% of cases and only minor damage the rest of the time.

The pepper spray involved was Sabre Red, with 10% oleoresin capsicum.

- **Batons, deployed in 5.5% of force-involved arrests, caused the greatest rate of higher-level injury.** Fewer than 39% of subjects receiving baton contact remained uninjured. More than 3% were hospitalized and nearly 26% required outpatient treatment, combining to be ?most injurious,? according to the researchers. About 32% of batoned subjects sustained minor injuries requiring no treatment.

Of officers involved in baton incidents, nearly 13% required outpatient treatment. Some 16% sustained minor injury and the rest were uninjured.

In Calgary, the baton used is the Monadnock Autolock expandable with power safety tip.

- **Empty-hand controls, applied in 38.5% of the force events, also ranked high for more serious injuries.** For purposes of the study, physical controls included ?nerve motor point striking and stunning techniques, grounding techniques such as arm-bar takedowns, and other balance displacement methods.?

Nearly 14% of these subjects required outpatient medical care and about 4% had to be hospitalized. Almost 50% had minor injuries and about 33% remained uninjured.

Among officers, 1% required hospitalization and 4.5% needed outpatient aid. The vast majority (77.8%) were uninjured and nearly 17% had minor injuries.

Judging from these findings, the researchers conclude, agencies need ?to seek out alternatives to hands-on physical control tactics and the baton if they wish to reduce the frequency and seriousness of citizen and police officer injuries.?

- **The second safest force mode for suspects proved to be the lateral vascular neck restraint.** Used in 3% of force-related arrests, the LVNR left more than half (52.9%) of offenders uninjured. About 41% sustained minor injuries and less than 6% required minor outpatient treatment. There were no hospitalizations and no fatalities.

Officers applying a LVNR remained uninjured more than 76% of the time and those who were hurt suffered only minor injuries.

- **Conducted energy weapons also scored high in safety for both suspects and officers.** The Taser X26, the CEW issued to Calgary officers, was the most

frequently deployed of the 5 force options studied, being used against nearly half (48.2%) of resistant arrestees. About 1% ended up hospitalized, about 12% needed minor outpatient treatment and more than 42% had only minor injuries. Nearly 45% sustained no injuries and there were 0 fatalities.

Of officers using Tasers, about 83% were uninjured and about 13% sustained minor injuries. Only about 2% and 1% required outpatient medical attention or hospitalization respectively.

The commonly held belief that CEWs carry a significant risk of injury or death is not supported by the data. Indeed, they are less injurious than either the baton or empty-hand physical control, which often would be alternative options where electronic weapons were not available.

In a 14-page report of their study, Butler and Hall point out that no use of force technique available to police officers can be considered safe in the dictionary sense that it is free from harm or secure from threat of danger. Every use of force encounter between the police and a citizen carries with it the possibility for injury for one or all of the participants, however unexpected that injury might be.

The best that can be hoped for is an appropriate, proportional balance between the degree of risk of harm and the resistance faced by police that requires the use of force.

The public has been fed a large amount of incomplete or incorrect information and even intentional artifice about some force options, the researchers charge. Their study, they say, may help eliminate the resulting confusion. Plus, knowing the level of injury likely to result from a given force method can aid trainers and administrators in developing sound policies and practices.

This study is a great snapshot about force and its associated injuries and is a valuable addition to the discussion of force issues in Canada and elsewhere, says Dr. Bill Lewinski, executive director of the Force Science Research Center at Minnesota State University-Mankato.

Hopefully, the researchers will now be encouraged to probe further into some of the issues they touched on, exploring in greater depth the decision-making that led officers to apply various types of force, the level of emotional and physical intensity generated by subjects receiving the force, the causes of injuries to both officers and subjects, and so on. There is still much to be learned in these areas.

As part of their study, Hall and Butler compiled statistics on the broad overview of force encounters among Calgary officers, which closely mirror findings regarding U.S. law enforcement.

For instance:

- Out of more than 827,000 police-public interactions, the 562 instances which ended up involving use of force represented less than 1% (.07%) of the total.

(Other studies have pegged that figure in the U.S. at 1.5%.)

- Arrests occurred in only 4.6% of police-public interactions, and 98.5% of the time the arrests were finessed without force.
- Roughly 88% of all subjects requiring force were under the influence of drugs and/or alcohol or some degree of emotional illness. Almost 94% of resistant offenders requiring force were male.
- The researchers found a notable pattern of relationship between the number of officers present and the frequency and nature of injuries sustained by both citizens and officers. Namely: More injuries occurred in circumstances where only one officer was present.

The researchers state bluntly that biased reporting of events has led the lay-public to have the impression that the police use of force is frequent when compared to the overall number of police and public interactions.

They mentioned also a bias that results in extensive media coverage of events where subjects have died after use of a CEW and a lack of publication of CEW uses without an adverse outcome.

Such skewed reporting prevents the public from forming an informed opinion about the actual risk presented by various force modalities, they stated.

The study's official jaw-breaking title is: Public-Police Interaction and Its Relation to Arrest and Use of Force by Police and Resulting Injuries to Subjects and Officers; a Description of Risk in One Major Canadian Urban City. It is expected to be posted online in mid- to late-August by the Canadian Police Research Center at www.cprc.org

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