

Commentary

BUMPER STICKER

TACTICS

By Sid Heal

After a successful launch the previous year, the space craft had been performing perfectly for almost 10 months and more than 400 million miles when it began its final approach to orbit Mars on Sept. 23, 1999. It continued flawlessly, following its instructions — then plowed into the planet’s atmosphere and disintegrated. The loss of the \$125 million satellite was attributed to a simple cause: confusion. It seems that the onboard computer had been programmed in metric but the instructions were sent from Earth in English units.

If the smartest scientists in the world can become confused, it should be no surprise that it happens with police officers as well. Despite the fact that confusion is inherent in crises, it is egregious when the causes are self-inflicted. This can easily occur when people have overly simplistic views, superficial understandings, unchallenged assumptions or even a lack of comprehension of underlying factors and influences in crises.

Professionals from every discipline commonly simplify and condense complex subjects into more manageable terms for discussion. This practice can easily mislead those who are less informed of richer contexts and deeper implications,

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resulting in an oversimplified comprehension that leaves them ripe for misinterpretation and misapplication. Likewise, the buzzwords and sound bites used to express these complex concepts can easily provide fodder for antagonists and militants with agendas to further even absurd positions. This so-called “bumper sticker mentality” can easily lead to bumper sticker thinking, the kind of thinking that lacks the necessary knowledge to avoid failures. And failures in the tactical world are measured in lives, not dollars.

The following are a dozen of the most commonly misunderstood concepts in the law enforcement community:

WHAT IS THE “PRIORITY OF LIFE?”

Similar to the force continuum concept used to understand and explain force options, the priority of life concept is used to comprehend and clarify the agonizing decisions associated with taking human life. It begins with the presumption that all human life is not equally valuable. Succinctly, the lives of the innocent are more valuable than the lives of those intending to harm them. Accordingly, when the only way to protect the life of an innocent person is to kill the person endangering them, it seems axiomatic that the innocents’ lives are more important. It becomes somewhat confusing, however, when other categories, especially police officers, are included.

Some trainers and instructors place the lives of hostages at the top of this pyramid. While it is a noble sentiment that the

lives of hostages have a higher value than police officers, it is simply not realistic since, when the decision of sacrificing one life for another is required, this philosophy would dictate that the commander trade the life of a police officer for the hostage. No leaders worthy of the name would ever willingly trade the lives of those who trust and follow them, regardless of the circumstances.¹

WHY DON'T FLASHBANGS DETONATE?

Every profession has its own jargon. The words and phrases that comprise a professional lingo are rich in clarity and connotation when used in a specific professional context and often encapsulate thoughts and concepts that would otherwise require far more elaboration. It is especially critical then, that professionals fully understand and appropriately use descriptive terms lest the uninitiated draw incorrect inferences.

As one case in point, the word *detonate* is often used to describe the initiation of a flashbang and is often attributed in statements of law enforcement officers in newspapers and television. It is, however, neither descriptive nor very accurate. A detonating explosive is initiated by shock and characterized by *brissance*, which refers to a shattering effect from a sudden release of energy. The only detonation that occurs in a flashbang is when a small primer (smaller than a pencil eraser) is struck by the nipple of a spring-loaded striker, which then ignites a slow-burning chemical compound that provides the delay to safely throw the device before the main charge explodes.

When the term *detonate* is used to describe the ignition sequence of a flashbang, even well-meaning persons can erroneously extrapolate the term to make comparisons with high explosives like TNT and dynamite. The more precise and descriptive term for the initiation of a flashbang is either *deflagrate* or *ignite*. This is because nearly all of the initiation sequence is from a chemical compound that more closely approximates a propellant. It is ignited by heat and burns only as fast as oxygen is available. There are countless examples of low explosives in everyday life, such as that which occurs with gasoline in automobile engines.²

WHY ISN'T A NONLETHAL WEAPON INCAPACITATING?

The entire field of nonlethal options is full of ill-defined and misused terminology. Even the term “nonlethal” is not universally accepted and is virtually never used by the law enforcement community. Instead, “less-lethal” or “less-than-lethal” are preferred. Other terms, such as “controlled force” or “minimal force,” are also used, albeit more and more infrequently.

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Recognizing how distracting and confusing it is to use more than one term to mean essentially the same thing, the U.S. Department of Defense authored a memo in 1996 with a standard definition and selected the term “nonlethal” to identify force options that were intended to cause neither death nor permanent injury. Law enforcement, however, continues to create confusion and obfuscation by using multiple terms for the same aspect. Consider the Taser, which is also called a “conducted energy device,” a “neuro-muscular incapacitation device,” a “conducted energy weapon,” an “electroshock weapon,” or an “electro-muscular disruption device.” It is not surprising that this lack of clarity and precision extends to other facets of nonlethal capabilities.

The accepted definition of the term *incapacitating* connotes an inability to perform. In reality, no commercially available nonlethal option has ever achieved this standard. Both studies and experience have revealed that even the most effective nonlethal options have failure rates that vary from about 5 percent to more than 30 percent. While nonlethal options fall short of disabling, they do impair an adversary’s ability to function, and so the term *debilitate* is more descriptive. The choice of the more precise term is particularly important when unwitting reporters or militants with an agenda attribute unrealistic capabilities to a nonlethal option and make it appear that subsequent actions were unnecessary or excessively harsh. This is particularly contentious when lethal force is used after a failure of nonlethal force.³

AREN'T SECTORS OF FIRE AND FIELDS OF FIRE THE SAME THING?

In a word, no. While they both refer to employment of weapons and are often used interchangeably, they are fundamentally different. In the simplest terms, a *field of fire* is the area in which someone is vulnerable to the effects of a particular weapon. Understandably, both the characteristics of the weapon and how it is employed are interacting

factors. For example, a rifle shoots farther than a pistol and so the greater range means that the field of fire for the rifle would be commensurately greater. However, how a weapon is employed is just as critical. A sniper from atop a building can shoot in 360 degrees but is far more limited when inside the same building and shooting from a window. The window greatly restricts the lateral movement and so the area which is vulnerable is a much smaller arc.

In contrast, a *sector of fire* is an assignment that defines the limits within which a weapon is allowed to be fired. In law enforcement operations, sectors of fire are predominantly used to prevent friendly casualties. Assignments of sectors of fire are especially critical in densely populated areas in which misses and pass-throughs continue into areas in which bystanders and unsuspecting people may be injured or killed.

Thus, these two similar terms that are always applicable in the same situations carry distinct meanings. Using a term incorrectly not only increases confusion but can have tragic consequences.⁴

IS IT EVER OK TO DISOBEY AN ORDER?

Not only is it OK, in some instances it is expected, even demanded! That said, the conditions that would justify insubordination are exceedingly rare.

Insubordination is best understood as the willful disobedience of a lawful order. Hence, the first condition is stated in the definition — the order must be lawful. No subordinate will be excused from breaking the law to enforce the law, period. It is the subordinate's duty to protest an unlawful order and to refuse to follow it if the supervisor persists in demanding compliance.

Another exception is when an order is unethical or immoral. Such an order is wrong, even if it is not illegal. Understandably, ethical and moral imperatives are highly subjective, but in essence, they deal with accepted principles of right and wrong. Moreover, they are nearly always judged by third parties and out of the context in which they were issued. Refusing to obey an order based upon ethics and morality will have merit only when the community at large deems the virtue of greater value than the obedience.

The last commonly accepted justification for disobedience in law enforcement is when an order is so unsafe that serious injuries or deaths will result. While no law enforcement tactical operation can be guaranteed free from risk, an order that will clearly result in unnecessary injury or death may provide adequate justification for refusing to obey. Of note here is that more forgiveness may be expected for refusing to endanger another than to accept personal risk.

It is critical to understand that the burden for justifying disobedience is entirely upon the subordinate. This is because all orders, per se, are presumed to be legal, ethical and safe, even if not risk-free. Without clear and compelling justification, insubordination can be expected to be harshly penalized.⁵

WHAT IS A DRIFTING STANDARD AND WHY SHOULD I CARE?

Every profession has standards of competence that are required to perform essential tasks. In the law enforcement profession, some, like marksmanship and driving, are considered so essential that failing to qualify with a duty weapon can result in suspension and losing one's driver's license can result in termination. The issue is even more critical for specialized assignments, like SWAT, canine or EOD, which have even more requirements and insist on higher standards.

A *drifting standard* is one that has been allowed to languish for lack of enforcement. Regardless of the rationale, once an exception has been made, even though trivial and/or temporary, a new "minimum" has been created and so the standard diminishes in value. Thus, the standard is said to drift from its original requirements. It becomes even more problematic when such an action is repeated because it creates a past practice. A past practice can carry the same weight as policy, whether formalized or not, and so allows the standard to be, *prima facie*, challenged for validity.

Consider a tactical assignment that requires successful completion of periodic physical fitness tests. A team member who is temporarily exempted, even for a good reason like injury or sickness, and then allowed to participate but fails to perform to standards, creates a liability. Moreover, if the team member is personally injured, he or she can reasonably claim that complying with the standard would have prevented more serious consequences and so be indemnified or even become a plaintiff in his or her own right.

Avoiding drifting standards requires constant vigilance since the reasons that exceptions are seen as necessary may be strong and reasonable in the present situation but specious in retrospect. Once an exception is made a precedent has been set, and so the next challenge is even harder to refuse. Accordingly, rigid adherence to valid standards is in everyone's best interests.⁶

WHY ISN'T A TASER A NONLETHAL WEAPON?

Of all the misunderstandings and mischaracterizations, this concept is also one of the most contentious. Nevertheless, it is one that can be clearly demonstrated. It is often easier to understand by using the same argument with a firearm.

Why isn't a gun a lethal weapon? Or, why isn't a gunshot an application of lethal force? If the gunshot was intentionally fired into the air as a warning, for example, it is apparent that the intent of how it is used and not the characteristics or capabilities of the weapon is the critical factor. A warning shot is, by definition, a warning. Conversely, an intentional head strike with a baton is using what is often characterized as a less-than-lethal weapon in a lethal manner.

The root of the problem is attributing intentions to inanimate objects. People are sentient. Objects are not. Accordingly, it is the intent of how a weapon is used as to whether it is lethal or not. This also brings clarity to a related question regarding whether lethal force can be justified to prevent attack from a suspect armed with a nonlethal weapon since it properly focuses the argument on determining the intent rather than the characteristics of a weapon. The same weapon in the hands of a suspect can present a deadly threat.⁷

Of note is that variations of this same type of confusion frequently occur in two other law enforcement scenarios. The first is during high-risk warrant services when the use of a SWAT team is based solely upon a location's fortifications. Perimeter fences, steel burglar bars, armored doors,

sally ports and other defensive measures are not inherently dangerous. This is easily shown by answering the question, "What if no one is inside?" The second occurs in the current debate about the "militarization of police," where the real controversy does not involve weapons or equipment but rather how they are used.

WHY DON'T WE SHOOT AT MOVING VEHICLES?

This is certainly one the best known misunderstandings in contemporary law enforcement. In actuality, it is more of a mischaracterization, since the essence of the confusion is in the framing of the argument. When the term "shooting at a moving vehicle" is used to describe the action, it creates a leading assertion as if it were actually possible to stop a vehicle with a bullet. Obviously, this is patently absurd. Instead, the target is almost always the driver, and the intent is to prevent the vehicle being used as a weapon. While there are a lot of good reasons for prohibiting this action, stopping the vehicle is not one of them and so the characterization is inappropriate.



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The confusion almost certainly began when some expert was interviewed and answered questions out of context, which then allowed—or even required—the answers to be paraphrased. Lacking understanding, reporters drew erroneous conclusions which, nonetheless, seemed apparent from the circumstances. Notwithstanding, the terminology is in common use throughout the law enforcement community and is even included in written policy.

WHY DO POLICE SHOOT UNARMED PEOPLE?

Admittedly, the confusion lies nearly entirely with the community at large and not with the law enforcement community, but nevertheless remains problematic because it is accusatory in nature. Variations of this question are frequently used in headlines and opening questions for press interviews. The phrasing is not only guaranteed to attract attention but immediately puts the interviewee in a defensive posture. It is, after all, irrefutable.⁸

The heart of the problem is that the subject is too complex for a simple answer. Hence, the clichés, buzz words and sound bites sought after to encapsulate concepts fail to adequately explain the myriad of factors that affect a decision to use lethal force in rapidly unfolding situations. That said, there are some fundamental factors that provide a basis for understanding and explaining.

The most basic truth is that unarmed does not mean not dangerous. For instance, about 8 percent of all police officers killed by gunshots are killed with their own gun. Not even the stupid believe that they willingly surrendered them to their murderers. Likewise, about one in 10 will be assaulted while performing their sworn duties. Nationwide, this equates to more than 50,000 assaults against officers each year. Similarly, the assurance necessary to definitively determine whether an adversary is armed requires an officer to risk his own death. It is the functional equivalent of looking for land mines with your feet. Survival requires perpetual perfection.

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WHAT, EXACTLY, IS SITUATIONAL AWARENESS?

“Situational awareness” is a concept that describes a person’s knowledge and understanding of the circumstances, surroundings and influences with regard to an unfolding situation. Of the four critical factors essential for effective tactical decisions, situational awareness is the most critical. While training, education and experience are important, even the best educated and most experienced are incapable of making appropriate decisions without some idea of what is involved.

Situational awareness is more than mere observation, however. Observations, in and of themselves, are important only if they contribute to gaining a clearer mental picture. In fact, it is how well a person identifies and interprets the factors and influences in play that affect decision-making. Understandably, the better trained and educated, and the more experienced the individual, the quicker the comprehension and deeper the insight they achieve.

The most astute will also recognize the implications of situational awareness, not for just recognizing and understanding what is unfolding, but for anticipating what is likely to occur. It is this capacity that distinguishes the competent from the truly great. The German term *fingerspitzengefühl* is often used to describe this competency in tactical situations. Although the literal meaning is along the lines of “fingertips feeling,” the term is used in English to describe the uncanny ability of some individuals to understand what is happening. Contemporary research has revealed, however, that this capability is able to be taught and increased through focused training, education and experience.⁹

WHAT’S THE DIFFERENCE BETWEEN COMMAND AND CONTROL?

Because both of these terms refer to the direction of human behavior and are commonly used together, it is no wonder that they are often confused for one another. The military considers them inseparable and identifies their relationship with the abbreviation “C2.” Each, however, describes a different characteristic.

Command is the power vested in a person by virtue of their position in an organization. It is the formal exercise of absolute authority. Accordingly, command authority is delegated through an organization in a chain of command and insubordination is penalized. Like its close cousin management, *command* is a subset of leadership, but where management connotes efforts in guiding, directing, encouraging,

implementing and the like, command may be best understood as the ruthless application of power. During times of crisis, the critical need for obedience overrides concerns for delays, distractions or personal feelings.

Control is the influence exerted by someone through expertise, persuasion or charisma. Unlike command, control is derived from perceived authority and is bestowed upon a person by those they seek to direct. Thus, where command is delegated authority derived from above, control is perceived authority and derived from below.

Even with the smallest tactical operations and disaster responses, it is impossible to control every facet and so a person may be in command and not in control. Similarly, an expert providing guidance and direction may be in control but not in command. One easy method of determining whether a person is in command is simply by asking if disobedience can be punished. If the answer is yes, that person is in command. If not, the person may still be in control but is definitely not in command.¹⁰

HOSTAGE RESCUE OR HOSTAGE RECOVERY? WHICH IS IT?

For professionals, terminology has a tremendous ability to provide clarity and comprehension, focus thinking and facilitate collaboration. It is an invaluable tool for exchanging thoughts and ideas that would otherwise defy detailed explanation. Accordingly, the choice of a particular term will be interpreted according to the understanding of those seeking to comprehend the essence of the discussion. This is why the U.S. military has insisted on a common language for technical discourse. For example, the term *battlespace* is preferred instead of the antiquated *battlefield* to convey a multi-dimensional environment that includes time and cyberspace in the maneuver arena. So it is with the terms *hostage rescue* and *hostage recovery*.

As a matter of fact, there are at least four methods of ensuring the safety of hostages. The term *hostage rescue* refers to those efforts to secure the safety of hostages by removing them from harm's way. Another method would be neutralizing the suspect's ability to harm the hostages, often by killing him. Still another method is to protect the hostages from the suspect, usually by shelter in place. And another involves creating distractions or otherwise impeding a suspect to allow the hostages to save themselves, either by escaping or removing themselves from danger. Thus, the term *hostage rescue* is limiting in that implies a single course of action. The broader connotations of the term *hostage recovery* is preferred to avoid limiting thoughts and ideas or implying methods and procedures.¹¹

It is appealing for those who seek the recognition and esteem of expertise, but not the investment of study and effort, to confidently express complex concepts as platitudes. Likewise, those with biased agendas deceive themselves with the perception that tactical science is easily mastered. They excitedly cite the trite in support of their shallow understandings of the complexities involved. True professionals recognize the critical importance of accurate terminology in professional dialogue. ■

ENDNOTES

1. For more comprehensive information, see "Priority of Life," *The Tactical Edge*, Spring 2012, 84-85.
2. For more comprehensive information, see "Flashbangs: Why and How (Part III)," *The Tactical Edge*, Spring 1990, 7-11, or *The Diversionary Device Reference Manual*, 2nd Ed., National Tactical Officers Association, 2000.
3. There are many studies which confirm the fact that nonlethal options are not incapacitating, but one of the more comprehensive is the 2008 U.S. Department of Justice, Florida Gulf Coast University "Less Lethal Weapon Effectiveness, Use of Force, and Suspect & Officer Injuries: A Five-Year Analysis," by Dr. Charlie Mesloh, Mark Henych and Ross Wolf. The study is available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/224081.pdf>.
4. For more comprehensive information, see "Sectors of Fire vs. Fields of Fire," *The Tactical Edge*, Winter 1996, 71.
5. For more comprehensive information, see "Insubordination and Command Responsibility," *The Tactical Edge*, Winter 2012, 82-84.
6. For more comprehensive information, see "Drifting Standards and Creeping Missions," *The Tactical Edge*, Spring 2009, 56-58.
7. For more comprehensive information, see the section "Understanding Force," in *Field Command*, 25-27. Lantern Books: New York, New York, 2012.
8. It is unknown how many unarmed people are shot each year because there are no requirements to track police shootings, even when suspects are killed. The data for this issue is compiled from reliable sources, such as the FBI Law Enforcement Officers Killed and Assaulted and the Bureau of Justice Statistics, but the issue is not isolated. For more comprehensive information, see "On the Problems and Promise of Research on Lethal Police Violence: A Research Note," by Dr. David A. Klingler, University of Missouri-St. Louis. The study is available online at <http://hsx.sagepub.com/content/16/1/78>.
9. For more comprehensive information, see "Situational Awareness and a Common Operational Picture," *The Tactical Edge*, Spring 2002, 55-56.
10. For more comprehensive information, see "Command vs. Control," *The Tactical Edge*, Spring 1998, 83.
11. For more comprehensive information, see "Phases of Hostage Recovery Operations," *The Tactical Edge*, Fall 2012, 88-89.

ABOUT THE AUTHOR



Charles "Sid" Heal is a retired commander with the Los Angeles Sheriff's Department and retired from the Marine Corps as a CWO-5 with four tours of combat in four different wars. He holds two graduate degrees in management and is the author of "Sound Doctrine: A Tactical Primer" and "Field Command," both focusing on tactical science. Heal serves as the NTOA's section chair for Strategy Development and is the author of the "Tactical Concepts" column featured in *The Tactical Edge*. He also serves as president of the California Association of Tactical Officers.