

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CHRIS COSCA SBN 144546  
COSCA LAW CORPORATION  
1007 7<sup>th</sup> Street, Suite 210  
Sacramento, CA 95814  
916-440-1010

AMY L. BELLANTONI  
THE BELLANTONI LAW FIRM, PLLC  
2 Overhill Road, Suite 400  
Scarsdale, NY 10583  
914-367-0090  
*Pro Hac Vice*

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MARK BAIRD and  
RICHARD GALLARDO,

Plaintiffs,

v.

XAVIER BECERRA, in his official  
capacity as Attorney General of the State of  
California, and DOES 1-10,

Defendants.

Case No. 2:19-cv-00617-KJM-AC

**DECLARATION OF  
CHARLES “CHUCK” HAGGARD  
IN FURTHER SUPPORT OF MOTION  
FOR PRELIMINARY INJUNCTION**

Date: October 8, 2019

Time: 10:00 a.m.

Room: 3

Judge: Hon. Kimberly J. Mueller

1 **DECLARATION OF CHARLES “CHUCK” HAGGARD**

2 1. I, Charles “Chuck” Haggard, am over the age of 18, and submit this declaration in  
3 further support of the plaintiffs’ motion for a preliminary injunction.

4 2. Counsel for the plaintiffs requested my expert opinion in this matter in response to  
5 the declaration of Kim Raney submitted by Defendant Xavier Becerra regarding the effect of  
6 open carry restrictions on public safety. I have personal knowledge of each fact stated in this  
7 declaration, and if called as a witness I could and would testify competently thereto. A copy of  
8 my most recent resume is attached hereto as “Exhibit 1”.

9  
10 **I. LAW ENFORCEMENT AND PROFESSIONAL EXPERIENCE**

11 3. I served as a law enforcement officer with the Topeka Police Department from  
12 1987 to 2014 in the following capacities: Patrol Officer (1987 – 1999); Field Training Officer  
13 (1989 – 1999); Sergeant (1999 - 2008 [Zone supervisor, Acting Watch Commander in absence of  
14 Lieutenant, squad leader and acting team leader for the Response Team]); Field Training  
15 Supervisor (1999 – 2006); Rangemaster (2006 – 2008); Lieutenant/Deputy Watch Commander  
16 (2008 - 2014 [LT/Watch Commander on all three Field Operations shifts, including Acting  
17 Commander during a period of manpower shortage/promotion freeze in which I was the LT for  
18 1st and 2nd shift, along with the SROs and Motor Unit, supervising 56 officers and Sgts, Co-chair  
19 of Department Shooting Review and Use of Force Review Board]).

20 4. As a member of the Topeka Police Department, I served as an instructor at the  
21 Police Academy, lead Defensive Tactics Instructor, Firearms Instructor, and SWAT/Officer  
22 Survival Tactics, car stop tactics; Response Team member, Breacher, Chemical Munitions  
23 officer, Sniper, and Supervisor; Honor Guard team member and supervisor; FTO Program  
24 Development Committee, Shooting Review Board/Use of Force Review Board member; Use of  
25 Force General Orders Development Committee.

1           5.       I developed the following protocols for the Topeka Police Department: Use of  
2 Force Continuum and General Orders; Defensive Tactics Program; Active Shooter Response  
3 Training; Force on Force scenario and decision-making training; and Handgun, Shotgun, Patrol  
4 Rifle Training and Policy.

5  
6           6.       I received specialized training in: Control/Defensive Tactics, Police Baton,  
7 Firearms, Reasonable Use of Force, Taser, OC Spray, Handcuffing, SWAT Tactics, High Risk  
8 Patrol Tactics, Low Light Tactics, Active Shooter/Rapid Response, Police Defensive Tactics  
9 (empty hand control, weapon retention, LVNR, ground control and defense), Excited Delirium,  
10 Force of Force scenario training, investigation of police use of force and officer involved shooting  
11 events.

12  
13           7.       I also served as a Team Member of the North East Kansas Incident Management  
14 Team in the capacity of Liaison Officer and Public Information Officer.

15           8.       My faculty appointments include: National Trainer, National Law Enforcement  
16 Training Center; Adjunct Instructor, Strategos International; Instructor/Board of Directors,  
17 Survival Operations System, Inc.

18 From 2015 to 2018, I served in a part-time capacity as a Deputy Sheriff and in-service instructor  
19 with the Jackson County Sheriff's Office.

20  
21           9.       Since December 2015, I have served with the Metro Topeka Airport Authority as a  
22 police officer/air crash rescue fire fighter/fire fighter, use of force instructor, firearms Instructor,  
23 and policy writer for police operations. I am currently assigned as the Law Enforcement training  
24 Sergeant for MTAA.

25           10.      My military service and Officer Safety/Field Operations Training is detailed in my  
26 annexed CV, which includes Understanding and Investigating Officer Actions in Deadly Force  
27 Encounters; Officer Survival, Winning Mindset; Winning Mind/Physical and Emotional  
28

1 Survivability.

2 11. My weapons and defensive tactics training are detailed in my annexed CV, which  
3 includes Advanced Combat Pistol, Levels 1 and 2 (Defensive Shooting Academy of Tulsa); HK  
4 International Law Enforcement Training Conference; Tactical Pistol; Officer Survival; Tactical  
5 Sub-Machinegun; Tactical Pistol Course (HSS International); National Law Enforcement  
6 Training Center Certifications; Control/Defensive Tactics; Handcuffing, Handgun/Long Gun  
7 Retention and Disarming; Knife Defense and Disarming; Trainer Development; Legal/Medical  
8 Implications of Use of Force; Instinctive Shooting Course (Israeli Shooting International); Officer  
9 Survival and Advanced Handgun Course (Jim Cirillo); Advanced Handgun Skills Course (Lethal  
10 Force Institute); Immediate Action counter-assault courses (Immediate Action Combatives).

11 My advanced tactics, leadership, and specialized training is detailed in my annexed CV, which  
12 includes Weapons of Mass Destruction Tactical Commander's Course (Louisiana State  
13 University); Tactical Supervision of Critical Incidents Course (DanCor Ltd.); LE Counter-  
14 Terrorism Course (Direct Action Resource Center); GSG 9 Counter-Terrorist Tactics Course  
15 (HSS International); High Risk Entry Course (HSS International); Weapons of Mass Destruction,  
16 Tactical Response and Hostage Rescue (Louisiana State University/U.S. Department of  
17 Homeland Security); Hostage Rescue Course (National Tactical Officer's Association); Response  
18 to the Active Shooter Instructor Courses (Strategos International); Officer Survival in Low Light  
19 Conditions Instructor Courses (Sure-Fire Institute/Strategos International); Hostage Rescue/High  
20 Risk Warrant Course (Tactical Explosive Entry School); Basic SWAT Course (Topeka Police  
21 Department); US Army: Police SWAT (SRT) Course; US Army: Police Sniper Course;  
22 AAFT/Sioux City PD: Two Man Team Tactics; Crisis Communications and Media Response for  
23 Today's Leaders; Fair and Impartial Law Enforcement Train the Trainer course,  
24 KLETC/University of South Florida; Lexipol, Risk Management for Law Enforcement  
25  
26  
27  
28

1 Supervisors; FLETC TCCC emergency medical training; Emergency Management/FEMA/Fire  
2 Service.

3 12. My Instructor and Instructor-Trainer Certifications are detailed in my annexed CV,  
4 which include Active Countermeasures Systems: Defensive Tactics Instructor; American Society  
5 of Law Enforcement Trainers (ASLET): Use of Force Training Seminars; Live interactive Use of  
6 Force Training; Bullet Proof Mind; Firearms Confrontation Course; Flashlight as an Emergency  
7 Defense Tool; Casco System: Expandable Police Baton Instructor-Trainer; Defense Technology  
8 (Safariland Training Group): Less Lethal Munitions Instructor Courses; International Association  
9 of Law Enforcement Firearms Instructors (IALEFI) Regional Training Conferences; Low-Light  
10 Shooting; Defensive Tactics Instructor Course (assisted with course development, content and  
11 instruction); Defensive Tactics Review; Midwest Law Enforcement Trainers Association:  
12 Winning Lethal Confrontations Course; Monadnock Defensive Tactics System (MDTS)  
13 Instructor Course; Oklahoma Council on Law Enforcement Education & Training (CLEET);  
14 Shawnee County Sheriff's Department: Defensive Tactics Instructor Course; Strategos  
15 International: Low Light Tactics Instructor Certification Course; Strategos International: Law  
16 Enforcement Response to Active/School Shooter Instructor Course; Strategos International:  
17 Physical Conflict Resolution System Instructor; Strategos International: Active Shooter/Intruder  
18 Response Instructor; Rangemaster Advanced Instructor course

19 13. My Instructor and Instructor-Trainer Certifications are detailed in my annexed CV,  
20 which include High Risk Entry; Vehicle Assault; Defensive Tactics; Defensive Tactics Instructor  
21 Course; Excited Delirium Recognition and Response; Narcotics Entries; High Risk Warrants;  
22 Kansas City MO Police Department: Defensive Tactics/Use of Force and Instructor Certification  
23 Classes/Seminars (annually since 1994); St. Louis Police Department: Defensive Tactics  
24 Instructor Certification Course; LEO Response to the Active Shooter-Instructor Course;  
25  
26  
27  
28

1 Prevailing in Low-Light Conditions-Instructor Course; Patrol Response to High Risk Incidents;  
2 Physical Conflict Resolution Instructor courses; Building Search Tactics; Crowd Control; Use of  
3 Force Continuum; Taser; Ponca City OK, Solo Officer Response to the Active Shooter; Kansas  
4 Transportation Safety Conference, LE Recognition and Response to Excited Delirium.

5 I am a member or past member of the following organizations: American Society of Law  
6 Enforcement Trainers; International Association of Law Enforcement Firearms Instructors;  
7 International Defensive Pistol Association (Expert ranking); International Law Enforcement  
8 Educators and Trainers Association; International Wound Ballistics Association; Kansas  
9 Narcotics Officers Association; Metro Area Tactical Officers Association; National Field  
10 Training Officers Association; National Tactical Officers Association; and United States Practical  
11 Shooting Association.  
12

## 13 **II. PUBLICATIONS and POLICY WRITING**

14  
15 14. I have written several articles and policies including: Concealed Carry and the  
16 ‘Pea Shooter’, The Outdoor Wire, Fall 2012 Special Edition; Gunlights, Switching and Gunpoint:  
17 Analysis – Part II, Tactical Wire, April 7, 2011; Gunlights, Switching and Gunpoint: An Analysis  
18 – Part I, Tactical Wire, April 5, 2011; Single Officer Response in Active Shooter Events, Tactical  
19 Wire, July 3, 2008; He Who Ignores History: Epic-scale Gunfights ... Lessons for Law  
20 Enforcement, Police Magazine, April 20, 2011; Use of Force and Firearms policy author for  
21 Topeka PD General Orders; Assisted TPD legal advisor is authoring City of Topeka Municipal  
22 Code 9.40.050; Authored MTAA Use of Force, Racial Profiling and Domestic Response policy;  
23 and Assisted with IACP Response to Excited Delirium position paper and model policy.  
24

## 25 **III. EXPERT WITNESS SERVICES**

26 15. I have testified or served as an expert witness in the following subjects: firearms  
27 (mechanics/operation/deployment/safety), control/defensive tactics, less lethal/less than lethal  
28

1 tools, physical skills training, reasonable use of force, police training/SOP, tactical training. I  
2 have provided expert testimony or opinion in the following venues: Kansas State District Court  
3 (multiple cases, criminal and civil); Federal District Court, Kansas; Plano, Texas; and the Court  
4 of Military Justice, Ft. Riley.

5  
6 16. I am being compensated at a rate of \$75 per hour for my time, which includes  
7 reviewing materials, communications with counsel, preparing reports, appearing for depositions,  
8 court appearances, and the like. My compensation is not dependent in any way on the outcome of  
9 this or any other proceeding or on the substance of the opinion(s) provided.

10 **IV. MATERIALS REVIEWED**

11 17. Counsel for Plaintiffs has provided, and I have reviewed, Plaintiffs' Complaint,  
12 Plaintiffs' Motion for a Preliminary Injunction, Defendant's Memorandum of Points and  
13 Authorities in Opposition to such motion, the Declaration of Kim Raney submitted by Defendant  
14 in this matter, San Mateo County Sheriff's Office, "Unloaded Open Carry" (January 14, 2010),  
15 Manny Fernandez, Alan Blinder, and David Montgomery, "Texas Open-Carry Laws Blurred  
16 Lined Between Suspects and Marchers," N.Y. Times, July 10, 2016.

17  
18 **V. OPINIONS**

19 18. Counsel for Plaintiff has asked me to express an opinion on what effect the open  
20 carry of firearms has on public safety. The implementation of laws that allow open carry in public  
21 do not have a negative impact on public safety. The act itself – a lawful person openly carrying a  
22 firearm in public – does not have a negative or detrimental effect on public safety, does not itself  
23 create a 'safety hazard', and is not the cause of accidental or mistake of fact shootings of civilians  
24 by police officers.

25  
26 19. The lack of proper police training creates or can lead to a public safety hazard and  
27 the accidental shooting of civilians – whether unarmed, carrying concealed, or carrying exposed  
28

1 (open carry).

2 20. I have reviewed the Declaration of Kim Raney, which was submitted by the  
3 defendant in opposition to Plaintiffs' motion for a preliminary injunction. Mr. Raney's opinions  
4 are based on speculation and a generalized fear that law-abiding individuals – simply by the act of  
5 carrying their firearm exposed – will cause panic among police officers and the public, waste  
6 police resources, and ultimately lead to police officers shooting civilians carrying exposed.  
7

8 21. The open carry of a firearm in public was legalized in Kansas in 2011, leaving  
9 open the ability of the state's cities to 'regulate' the manner of carry in its jurisdiction. An  
10 example of this would be requiring that handguns openly carried be in a holster. In 2013,  
11 however, Attorney General opinion 2011-24 clarified that no city in Kansas could ban the open  
12 carriage of firearms.  
13

14 22. In 2008, the constitutional open carry [no permit required] of firearms in public  
15 went into effect immediately. At the time, I was a Lieutenant/Watch Commander in the Topeka  
16 Police Department. No 'instant mayhem' was created. Our police officers were not spontaneously  
17 shooting members of the public they observed carrying a firearm exposed on their body in public.  
18 Public awareness of the passage of open carry laws through the media and public service  
19 announcements alerted the public to the changes in the law and reduced the possibility of  
20 confusion and/or alarm. The non-carrying public quickly grew accustomed to seeing their friends,  
21 neighbors, and other residents openly carrying firearms and the novelty faded.  
22

23 23. Banning open carry does not greatly enhance public safety, nor does it cure  
24 deficiencies in departmental training of police officers. Police shootings of innocent civilians –  
25 whether unarmed, carrying concealed, or carrying exposed – will continue to occur absent proper  
26 training or in those situations where the armed person is willfully forcing a confrontation with  
27 officers. This can and will happen regardless of the legalities of open or concealed carry.  
28



1           24. Topeka PD officers were instructed on the changes in the law. It was emphasized  
2 that open carry was now legal and that they should expect to see members of the public carrying  
3 firearms. Specific communication-based training was provided to our police officers for properly  
4 dealing with the public – how to respond to and interact with individuals who openly carried  
5 firearms, if necessary, and how to respond to members of the public who were reporting other  
6 people openly carrying firearms.  
7

8           25. I should note that Kansas went from being a state with no legal method of  
9 concealed or open carry, except for hunting or active duty law enforcement officers (even retired  
10 officers were not exempt), to a state where concealed carry was allowed with a license, to a state  
11 where open and concealed carry was allowed with no license, in a relatively short period of time.  
12

13           26. Mr. Raney attempts to demonstrate that open carry creates a “public safety threat”  
14 by using terms that attempt to create panic: an officer “must rapidly assess” a person’s behavior  
15 (¶22), must “quickly determine the armed person’s intent or whether that person is a threat”  
16 (¶24), and “split-second decisions sometimes have to be made” (¶24).

17           27. The very nature of police work is the constant ability to rapidly assess what is  
18 going on and forming the proper response. A properly trained officer should be in a constant state  
19 of situational assessment and observation. Open carry by citizens in no way changes this fact.  
20 Training to enhance tactical situational awareness creates effective, skilled, and disciplined police  
21 officers through the use of repetition, “muscle memory”, and situational cognition, which fosters  
22 confidence, decisiveness, and greatly heightens accuracy in decision-making. Communication,  
23 tactical scenarios and range training, and force-on-force drills are imperative generally to avoid  
24 accidental shootings of innocent individuals irrespective of open carry laws.  
25

26           28. If, as Mr. Raney urges, open carry should be banned because of some speculative  
27 ‘havoc’ that will result, then everyone outside of on duty uniformed officers should be banned  
28

1 from carrying in public as well – including off-duty officers, detectives, federal agents,  
2 undercover officers, concealed firearm carriers, retired officers, as well as armed home- and  
3 business-owners awaiting police response in the face of a past burglary or robbery because, as  
4 Mr. Raney reasons, the officers may “rush in” and shoot the first person they see with a gun.  
5 Inadequate and/or improper police training leads to mistakes and tragedy – irrespective of  
6 whether the public is permitted to openly carry firearms.  
7

8 29. With proper training, officers will not be surprised to see members of the public  
9 carrying a firearm openly. Open carry in fact places the officer in a more advantageous position  
10 than concealed carry. When an individual is carrying openly, the officer knows the person  
11 possesses a firearm because the officer can see the gun in plain, open view. This scenario is more  
12 advantageous to the officer than where an individual reaches for something unknown – a phone,  
13 gun, their waistband to pull their pants up or while making furtive movements such as to hide  
14 drugs.  
15

16 30. Those situations, not the act of legal open carry, force police officers to make a  
17 split-second decision regarding how to react. When a handgun is carried openly, the officer can  
18 plainly observe the movements and actions of the individual, knowing exactly where the firearm  
19 is located in relation to the individual’s movement. Where the Department has provided training  
20 and repeated notice and education regarding open carry laws, officers will be equipped with the  
21 knowledge and training to effectively deal with the public.  
22

23 31. Situational awareness training for officers, enforcing a broad view approach when  
24 responding to an event and/or interacting with the public, decreases the likelihood of an  
25 accidental shooting. Training officers to see the totality of the circumstances and contextual cues,  
26 then to observe whether the subject they are dealing with is armed, greatly reduces, if not  
27 eliminates, the possibility of an accidental or mistake of fact shooting.  
28

1 The portrayal of police officers immediately going to panic mode and/or shooting anyone openly  
2 carrying a firearm [basically] ‘on sight’ is inaccurate, reckless, and insulting to fellow law  
3 enforcement officers.

4 32. Mr. Raney comments that “officers may have no idea about the armed person’s  
5 motives, intent, mental condition, or emotional stability. The armed person’s behavior and ability  
6 or failure to comply with law enforcement’s instructions will have great bearing on the outcome  
7 of the contact. Should the armed person fail to comply with an officer’s instructions or move in a  
8 way that could be construed as threatening, the results could be deadly”. (Raney Dec. at ¶22).

9 It should go without saying that every single encounter where the police interact with the public  
10 falls into this “no idea” area. Modern officer survival training has for decades worked under the  
11 premise that officers should assume that everyone is armed with a weapon and act accordingly.  
12 Just because the officer does not see a gun, does not mean the individual is unarmed. Further,  
13 officers must always be aware that on any call for service their gun is also in play, due to the  
14 history of weapon retention issues in law enforcement. Officers are commonly murdered or  
15 assaulted by “unarmed” suspects. Every time an officer arrives at a location, s/he must assess the  
16 ‘person’s motives, intent, mental condition, and emotional stability’.

17 33. The San Mateo County Sheriff’s Office “Unloaded Open Carry” publication dated  
18 January 14, 2010, presents important information with respect to the importance of officer  
19 training. Comments like, “[o]pen carry advocates create a potentially very dangerous situation”  
20 and “[o]fficers may have no idea [when responding to a man with a gun call] that these people are  
21 simply ‘exercising their rights’” have no practical use. The message here is either that their police  
22 officers lack proper training and rush to judgment [and shoot] without properly assessing the  
23 situation or that open carry creates panic, fear, and a public safety danger. Either way, this is  
24 editorial opinion, not a statement of facts.  
25  
26  
27  
28

1           34.     The behavior and demeanor of a person “exercising his right to open carry” will be  
2 markedly different than that of an individual posing a threat to the public. Any experienced,  
3 honest, law enforcement officer knows that to be the truth.

4           Assessment of a person’s demeanor, compliance or non-compliance with commands, furtive or  
5 threatening movements – are all factors that officers must assess - independent of whether the  
6 person is openly carrying a firearm or not, or whether open or concealed carry is legal or not.

7           With respect to the matter of responding to an active shooter event where lawful gun owners are  
8 carrying openly, Mr. Raney provides no evidence (even anecdotal) that the presence of civilians  
9 openly carrying firearms delays first responders from stopping the shooter and saving lives.

10           There is however historical precedent to note that citizen/non law enforcement interdiction of  
11 active shooter suspects happens more frequently than interdiction by law enforcement officers.

12           In any event, inadequate police training, speculatively playing out every possible scenario that  
13 may or may not happen in life (¶30) – nothing represented by Mr. Raney establishes that open  
14 carry itself creates a danger to public safety.

15           35.     Allowing open carry will not create a danger to public safety; failure to properly  
16 train police officers does endanger the public. People who legally possess and carry firearms are  
17 generally compliant and law-abiding, statistically speaking among the most law-abiding group of  
18 persons in our country. Gang members and other criminals, on the other hand, do not carry  
19 firearms openly, as concealment provides an advantage over their victims. Criminals are also  
20 more likely to engage in furtive or non-compliant behavior for reasons including fear of being  
21 arrested, secreting drugs and/or weapons, and/or contemplating a physical attack or flight to avoid  
22 apprehension. In other words, the conduct, behavior, and mental and emotional reaction of a  
23 criminal will differ greatly from that of a law-abiding gun owner.  
24  
25  
26  
27  
28

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3 Dated: September 2019

4 \_\_\_\_\_  
Charles "Chuck" Haggard

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT 1**

*Curriculum Vitae*

**LAW ENFORCEMENT and PROFESSIONAL EXPERIENCE**

- Police officer/air crash rescue fire fighter/fire fighter, Use of force and firearms instructor, policy writing for police operations, Metro Topeka Airport Authority, Dec 2015 to present, Current assignment as Sgt in charge of firearms training and armorer support, use of force and law enforcement training.
- Jackson County Sheriff's Office, part time Deputy, in-service instructor, 2015 to 2018
- Topeka Police Department: 1987 to 2014
  - Patrol Officer 1987-1999
  - FTO 1989 to 1999
  - Honor Guard, team member and supervisor
  - Sergeant 1999-2008 (Zone supervisor, acting WC in absence of LT, squad leader and acting team leader for the Response Team)
  - Field Training Supervisor 1999 to 2006
  - Rangemaster 2006-2008
- Lieutenant/Deputy Watch Commander 2008-2014 (serve as LT/Watch Commander on all three Field Operations shifts, including acting commander during a period of manpower shortage/promotion freeze in which I was the LT for 1<sup>st</sup> and 2<sup>nd</sup> shift, along with the SROs and motor unit, supervising 56 officers and SGTs), co-chair of department shooting review and use of force review board.
- Academy and In-service Instructor for Defensive Tactics, Range/Firearms, SWAT/Officer Survival Tactics. Response Team member, Sniper and Supervisor. Honor Guard member. FTO Program Development Committee.
- Shooting Review Board/Use of Force Review Board member. Use of Force General Orders Development Committee.
- Topeka Police Department Letters of Commendation, Medal of Merit for actions taken during flood rescue event
- Topeka Police Medal of Merit, Letter of Commendation
- Developed Topeka Police Department Use of Force Continuum
- Developed Topeka Police Department Defensive Tactics Program
- Developed Topeka Police Department Active Shooter Response Training
- Developed patrol rifle training and policy
- Specialties: Defensive Tactics, Police Baton, Firearms, Reasonable Use of Force, Taser, OC Spray, SWAT Tactics, High Risk Patrol tactics, Low Light tactics, Active Shooter/Rapid Response, police defensive tactics (empty hand control, weapon retention, LVNR, ground control and defense), Excited Delirium, investigation of police use of force and officer involved shooting events.
- Team member, North East Kansas Incident Management Team, serving as Liaison Officer and Public Information Officer
- Faculty Appointments:
  - National Law Enforcement Training Center — National Trainer
  - Strategos International — Adjunct Instructor
  - Survival Operations System, Inc. — Instructor/Board of Directors

## **MILITARY SERVICE**

- Kansas Army National Guard; 1982, 1985-1998, E Troop 114 Cav, Det2 1/635 Armor, 19Delta
- Reconnaissance Specialist
- Left service at rank of Staff Sergeant
- Positions Held — Scout, Driver, Armorer, Track Commander, NBC NCO, Squad Leader, Platoon Sergeant, Platoon Leader (acting Lieutenant's position)
- Duties— Marksmanship instructor, machinegun range instructor, grenade launcher range instructor, demolitions instructor, Claymore instructor, LAW/AT4 range instructor, first aid instructor, Officer Candidate School assistant instructor, squad/platoon tactics instructor, nuclear/biological/chemical instructor, battalion rifle and pistol team
- Commendations:
  - Army Achievement Medal (3 awards) for outstanding service and performance of duties
  - Army Excellence in Marksmanship Award (overall winner of Adjutant General's Combat Match on three occasions)
  - Expert badge awarded for M16, pistol, hand grenade, M203 grenade launcher

## **ACADEMIC EDUCATION**

- Junction City High School, graduate 1982
- Kansas State University, 1986-1987 (courses in general studies, geology, Spanish, and criminal justice)
- US Army Schools:
  - Basic and Advanced Training
  - Primary Leadership Development Course
  - Basic Non-Commissioned Officer's Course (SMG's academic honor graduate)
- City of Topeka: 16-week Leadership Development course (various leadership training sessions)
- Leadership training courses; Kansas City MO Leadership training series, including classes taught by LtCol. Randy Watt, and risk management classes by Gordon Graham. Leadership training classes by SGM Kyle Lamb USARSF (ret)

## **OFFICER SAFETY / FIELD OPERATIONS (PATROL) TRAINING**

- Calibre Press: Street Survival Seminars (numerous)
- Kansas Highway Patrol: Felony Car Stop Class
- Kansas Highway Patrol: Prisoner Transport Class
- Sioux City Regional Training Center: Understanding and Investigating Officer Actions in Deadly Force Encounters
- Topeka Police Department: Field Training Officer Course
- Topeka Police Department: Officer Basic Academy
- Topeka Police Department: Pepperball Launcher Class
- Washburn University: Field Training Officer Seminar
- Washburn University: Officer Survival, Winning Mindset
- Wichita State University: Winning Mind/Physical and Emotional Survivability



## **WEAPON SYSTEMS & DEFENSIVE TACTICS TRAINING**

- Beretta USA Pistol Armorer
- Berretta USA Shotgun Armorer
- Colt AR/M16/M4 Series Rifle/Carbine/SMG Armorer
- Defensive Shooting Academy of Tulsa: Advanced Combat Pistol, Levels 1 and 2
- Glock Armorer
- HK International Law Enforcement Training Conference
  - Tactical Pistol
  - Tactical Shotgun
  - Liability Issues
  - Officer Survival
  - Breeching Fortified Targets
  - Tactical Sub-Machinegun
- HSS International: Tactical Pistol Course
- National Law Enforcement Training Center Certifications:
  - Control/Defensive Tactics
  - Ground Control and Defense
  - OC Spray and Counter-Assault Course
  - Handcuffing, Handgun/Long Gun Retention and Disarming
  - Universal Baton
  - Knife Defense and Disarming
  - LVNR
  - Trainer Development
  - Legal/Medical Implications of Use of Force
- Israeli Shooting International: Instinctive Shooting Course
- Jim Cirillo: Officer Survival and Advanced Handgun Course
- Kansas Highway Patrol/FAA: Officers Flying Armed Course
- Lethal Force Institute: Advanced Handgun Skills Course
- Mossberg Shotgun Armorer
- Remington Police Shotgun Armorer
- Remington Sniper Rifle Armorer
- Smith & Wesson Pistol Armorer
- Systema Russian Martial Arts System
- Strategos International: Physical Conflict Resolution Instructor courses
- Craig Douglas/Shivworks Armed Movement in Structures and Extreme Close Quarters Concepts
- Immediate Action Combatives; Immediate Action counter-assault courses

## **ADVANCED TACTICS, LEADERSHIP & SPECIALIZED TRAINING**

- Louisiana State University: Weapons of Mass Destruction Tactical Commander's Course
- DanCor Ltd.: Tactical Supervision of Critical Incidents Course
- Direct Action Resource Center: LE Counter-Terrorism Course
- HSS International: GSG 9 Counter-Terrorist Tactics Course
- HSS International: High Risk Entry Course
- Kansas Bureau of Investigation: Clan Lab First Responder Course
- Louisiana State University/U.S. Department of Homeland Security: Weapons of Mass Destruction, tactical response and hostage rescue
- National Tactical Officer's Association: Hostage Rescue Course
- New Mexico Institute of Mining and Technology: Prevention and Response to Suicide Bombing Incidents

- Strategos International: Ballistic Shield Instructor Course
- Strategos International: Response to the Active Shooter Instructor courses
- Sure-Fire Institute/Strategos International: Officer Survival in Low Light Conditions Instructor Courses
- Tactical Explosive Entry School: Hostage Rescue/High Risk Warrant Course
- Topeka Police Department: Basic SWAT Course
- US Army: Police SWAT (SRT) Course
- US Army: Police Sniper Course
- US Army: Counter Drug Commander's Course
- AAFT/Sioux City PD: Two Man Team Tactics
- Kansas Narcotics Association Training Conferences
- Crisis Communications and Media Response for Today's Leaders
- Fair and Impartial Law Enforcement Train the Trainer course, KLETC/University of South Florida
- Lexipol, Risk Management for Law Enforcement Supervisors
- FLETC TCCC emergency medical training
- Emergency Management/FEMA/Fire Service;
  - Public Information Officer, G290
  - Liaison Officer (LOFR) L-956
  - NIMS ICS All-Hazards Position Specific: Finance/Administration Section Chief (FSC) Course
  - National Fire Academy Health and Safety Officer
  - ICS 100, 200, 300, 400, 700, 800
  - MGT 315 Enhanced Threat and Risk Assessment
  - Command and General Staff Functions for Local Incident Management Teams Course (CGSFLIMT)
  - NE KS IMT/KDEM yearly training seminars
  - Traffic Incident Management (TIM) Train the Trainer course
  - MAFT/ARF certification, 2016, 2017, 2018
  - SCAFFA seminars, including fire fighter skills training, live burn, Reading Smoke,
  - Using Thermal Imaging and Modern Fire Dynamics to Improve Fireground Operations,
  - HazMatIQ; Above The Line/Below The Line Training Course

## **INSTRUCTOR & INSTRUCTOR-TRAINER CREDENTIALS**

- Active Countermeasures Systems: Defensive Tactics Instructor
- American Society of Law Enforcement Trainers (ASLET): Use of Force Training Seminars
  - Live interactive Use of Force Training
  - Bullet Proof Mind
  - Firearms Confrontation Course
  - Flashlight as an Emergency Defense Tool
- Casco System: Expandable Police Baton Instructor-Trainer
- Defense Technology (Safariland Training Group): Less Lethal Munitions Instructor Courses
- Glock Pistol Transition Instructor Course
- Inayan Systems: Reactive Knife Defense Instructor
- International Association of Law Enforcement Firearms Instructors (IALEFI) Regional Training Conferences:
  - Instructor Development
  - Working With Problem Shooters
  - Tactical Carbine

- Injured Officer Shooting Techniques
- Low-Light Shooting
- Tactical Shotgun
- Range Safety
- Less-Lethal Munitions
- OC/Firearms Deployment
- Back-up Gun Deployment
- Kansas Law Enforcement Training Center (KLETC):
  - Defensive Tactics Instructor Course (assisted with course development, content and instruction)
  - Defensive Tactics Review
- Midwest Law Enforcement Trainers Association: Winning Lethal Confrontations Course
- Monadnock Defensive Tactics System (MDTS) Instructor Course
- Monadnock International (now Safariland Training Group): Instructor Trainer
  - PR-24 (straight baton)
  - MEB (Monadnock Expandable Baton)
- NRA Police Firearms Instructor School
- NRA Patrol Rifle Instructor School
- NRA Tactical Shooting Instructor School
- ODV Incorporated: NarcoPouch and Narcotest, Field Drug Test Kit Instructor
- Offshoots Training Institute: Tactical Rifle Instructor
- Oklahoma Council on Law Enforcement Education & Training (CLEET)
  - Defensive Tactics System Instructor
  - Ground Control System Instructor
- One-On-One Control Tactics System Instructor
- Police Training Division: Auto Pistol Transition Instructor
- PPCT Training Systems: Instructor
- Shawnee County Sheriff's Department: Defensive Tactics Instructor Course
- Strategos International: Low Light Tactics Instructor Certification Course
- Strategos International: Law Enforcement Response to Active/School Shooter Instructor Course
- Strategos International: Physical Conflict Resolution System Instructor
- Strategos International: Active Shooter/Intruder Response Instructor
- Taser International: Taser M26 and X26 Instructor
- Topeka Police Department: Train the Trainer Course
- Tom Givens/Rangemaster Firearms Instructor course (Top Gun award)
- Rangemaster Advanced Instructor course
- Tactical Treatment of Gunshot Wounds Train the Trainer course
- KLETC/University of South Florida: Biased Based Policing Instructor course
- FLETC Tactical Combat Casualty Care (TCCC) Instructor course

#### **PRESENTATIONS / CLASSES TAUGHT**

- Kansas Army National Guard CDSOG Group, Forbes Field
  - High Risk Entry
  - Vehicle Assault
  - Defensive Tactics
  - OC Courses
- Kansas Law Enforcement Training Center
  - Defensive Tactics Instructor Course
  - Excited Delirium Recognition and Response

- Kansas Narcotics Officers Association
  - Narcotics Entries
  - High Risk Warrants
  - Defensive Tactics Course
- National Law Enforcement Training Center
  - Kansas City MO Police Department: Defensive Tactics/Use of Force and Instructor Certification Classes/Seminars (annually since 1994)
  - St. Louis Police Department: Defensive Tactics Instructor Certification Course
  - Johnson County Community College Regional Police Training Academy: Handcuffing and Handgun/Long Gun Retention and Disarming Instructor Certification Courses
- Osage County Sheriff's Department/Scranton Police Department
  - High Risk Warrant
  - Defensive Tactics Course
- Salina Police Department/Kansas Highway Patrol
  - Lateral Vascular Neck Restraint (LVNR) Instructor Certification Course
- Strategos International
  - LEO Response to the Active Shooter-Instructor Course
  - Prevailing in Low-Light Conditions-Instructor Course
  - Patrol Response to High Risk Incidents
  - Physical Conflict Resolution Instructor courses
  - Teacher/School Response to Intruders and Active Shooter
- Topeka Police Department (In-Service and Recruit Academy Classes)
  - Defensive Tactics
  - Baton/PR 24 Certification
  - Firearms Range Instruction
  - Active Shooter Class
  - Low-Light Tactics
  - Felony/Unknown Risk Car Stops
  - Building Search Tactics
  - Prisoner Transport
  - Crowd Control
  - SWAT Tactics
  - Use of Force Continuum
  - In-Custody Death Issues/Liability/Avoidance
  - CIT academy, Excited Delirium recognition and response
  - Counter Knife
  - Taser
- US Army, Ft. Riley (various units)
  - CQB/Room Entries/Raid Class
  - OC Certification Class
  - PR 24 Class
- Rangemaster Tactical Conference presenter, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019
- Presenter for Paul-E-Palooza training conferences
- Kansas Emergency Management, instructor for state POI course
- Blue Cell/Kansas IMT Liaison Officer (LOFR) course, Kansas City
- Ponca City OK, Solo Officer Response to the Active Shooter
- Kansas Transportation Safety Conference, LE Recognition and Response to Excited Delirium
- Washburn University
  - Intro to SWAT Classes
  - Excited Delirium recognition and response

### PROFESSIONAL MEMBERSHIPS

- American Society of Law Enforcement Trainers
- International Association of Law Enforcement Firearms Instructors
- International Defensive Pistol Association (Expert ranking)
- International Law Enforcement Educators and Trainers Association
- International Wound Ballistics Association
- Kansas Narcotics Officers Association
- Metro Area Tactical Officers Association
- National Field Training Officers Association
- National Tactical Officers Association
- United States Practical Shooting Association

### PUBLICATIONS and POLICY WRITING

- "Concealed Carry and the 'Pea Shooter.'" *The Outdoor Wire*, Fall 2012 Special Edition
- "Gunlights, Switching and Gunpoint: Analysis – Part II." *Tactical Wire*, April 7, 2011
- "Gunlights, Switching and Gunpoint: An Analysis – Part I." *Tactical Wire*, April 5, 2011
- "Single Officer Response in Active Shooter Events." *Tactical Wire*, July 3, 2008
- "He Who Ignores History: Epic-scale Gunfights ... Lessons for Law Enforcement" *Police Magazine*, April 20, 2011
- Recoil magazine, multiple articles
- Primary and Secondary site; military and law enforcement leadership series
- Use of Force and Firearms policy author for Topeka PD General Orders
- Assisted TPD legal advisor is authoring City of Topeka Municipal Code 9.40.050
- Authored MTAA Use of Force, Racial Profiling and Domestic Response policy
- Assisted with IACP Response to Excited Delirium position paper and model policy

### EXPERT WITNESS SERVICES

- Areas of expertise: firearms (mechanics/operation/deployment/safety), defensive tactics, less lethal/less than lethal tools, physical skills training, reasonable use of force, police training/SOP, tactical training
- Testimony or Consultation provided in the following jurisdictions (civil and criminal):
  - Kansas state court (multiple cases, criminal and civil)
  - Kansas district US federal court
  - Texas state court
  - Court of Military Justice, Ft. Riley