

**TESTIMONY**

**of**

**John Ortolano**

**President and National Trustee,**

**Arizona State Lodge, Fraternal Order of Police**

**on**

**“Training and Education”**

**before the**

**President’s Task Force on 21<sup>st</sup> Century Policing**

**14 February 2015**

Good morning Commissioner Ramsey, Ms. Robinson and distinguished members of the President's Task Force on 21<sup>st</sup> Century Policing. My name is John Ortolano, a Captain with the Highway Patrol Division of the Arizona Department of Public Safety, and the current State President and National Trustee for the Arizona State Lodge of the Fraternal Order of Police representing more than 8,300 police officers. I am pleased to be able to be here with you today to share the perspective of the rank-and-file members of the Fraternal Order of Police on the subject of "Training and Education," with a focus on in-service training.

The amount of hours an individual officer will spend taking in-service training varies by department, rank and areas of responsibility. In the Highway Division, recent in-service training has focused on legal issues and changes to current State law and policy. Changes in departmental policies with respect to foot pursuits and encounters with the mentally ill also required newly developed in-service training. In fact, any change in policy or law typically triggers a need for in-service retraining for all officers. Because of its flexibility, in-service training is often reactive and can also be important to deliver corrective training if officers are not performing according to agency guidelines.

To give you another example, we are now training our highway patrol officers to make what we are calling "complete" traffic stops and move beyond just a perfunctory stop at which a citation is issued. Officers are being trained to develop situational awareness for their own safety and to probe the driver and passenger with additional questions to determine the potential for any criminal activity which might pose a danger to public safety.

Another important use of in-service training is the incorporation of new technological advances in law enforcement and how they are deployed in the field. The first step is at the command level. Officers like me must understand or anticipate the impact of any new technological tool on officer safety, public safety and utility in the performance of the law enforcement mission.

Let's consider the FOP's draft of a model policy on the use of Body-Worn Cameras (BWC). I know the Task Force has already been provided with a copy and I cannot emphasize enough the

importance of having policies in place, training which is complete and thorough before deploying this type of technology.

So let's examine the policy and how in-service training would be used if an agency elects to use BWC. The first thing to consider is the reason for and the role the new technology will play. In the case of BWC, the aim of the technology should be to increase the efficiency and integrity of the department's law enforcement mission, increase officer safety, and safeguard the rights of the citizens and employees in the use of such technology. While having the right policy in place is a crucial first step, it won't be of much value if the officers are not trained to comply. This is even more important when policies rely in part on the discretion and judgment of the individual officer.

Using the FOP policy as a model, BWC should be used in all field contacts involving actual or potential criminal conduct, including:

- a) Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops)
- b) Emergency responses
- c) Vehicle pursuits
- d) Suspicious vehicles
- e) Arrests and transports
- f) Vehicle searches
- g) Consent to Search
- h) Physical or verbal confrontations or use of force
- I) Pedestrian checks/Terry Stops
- j) DUI/DWI investigations including field sobriety tests
- k) Domestic violence calls
- l) Statements made by individuals in the course of an investigation or complaint
- m) Advisements of Miranda rights
- n) Seizure of evidence
- o) SWAT calls for service
- p) High Risk Warrants

q) On all calls for service

Officer discretion would come into play as the policy must be flexible enough to allow for the activation of the BWC during any contact that becomes adversarial, even if the initial contact was not a situation in which the BWC should be deployed. Officers should also be permitted to activate the BWC in situations where they believe that a recording of an incident would be appropriate. When exercising this discretion, officers should be aware of and sensitive to civilians' reasonable privacy expectations, especially victims of crime and potential witnesses to an incident.

Training programs must also emphasize that situations requiring immediate action to prevent injury, death, destruction of evidence or escape should take priority over the activation of the BWC. The policy and the accompanying training should also make plain that the use of the BWC should not be used for intimidating an individual during contact.

Time limitations in place today prevent me from discussing at further length other policy and training questions regarding the modes of operation, operation protocols, electronic storage rules and training specific to State laws on the use of recording devices. A lot more work and development has to take place, with agencies learning from each other how best to use this new technology.

I thank you again for the opportunity and look forward to answering any questions you might have.