

To whom it may concern:

8-8-11

My name is Steve Ijames, and I am a retired deputy chief of police from Springfield, Missouri. I was contacted by Mr. Brian E. Simoneau following the death of Mr. Eurie Stamps. I did not have any prior relationship with Mr. Simoneau, and questions concerning his decision to contact me should be directed to him.

Mr. Simoneau asked that I review the circumstances presented in this case, and offer objective opinions in response to questions that he provided to, "address the concerns of non-experts". In addition, Mr. Simoneau asked that I not confine my opinions to the questions asked, but address any relevant issues that were noted during my review. Mr. Simoneau also offered to compensate me for the time committed to this effort, but consistent with similar reviews I have conducted (such as the Stern Commission investigating the death of Victoria Snelgrove by the Boston Police), I am respectfully declining payment. I will also not take a role on behalf of any party should this matter later result in civil litigation.

My opinions in this matter are offered in response to interviews with agency training and SWAT command staff, the material reviewed and listed on attachment A, and in consideration of the knowledge, training, and experience gained during my 32 year police experience-the qualifications of which are listed on attachment B. I have attempted to be responsive to the questions asked and issues raised, while keeping my opinions as brief as reasonably possible. Should additional information or expansion of a particular point be requested, I will respond accordingly. I am also willing to meet in person and discuss any of the issues addressed in my report.

Sincerely,


Major Steve Ijames
1020 East University Street
Springfield, Mo. 65807



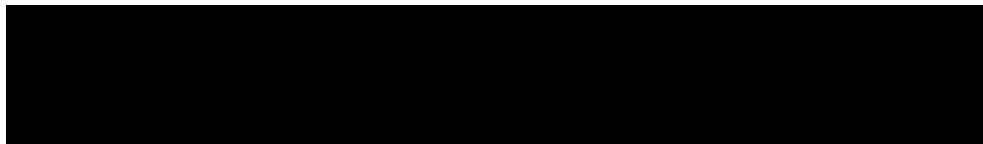
EXHIBIT	34
WIT:	Simoneau
DATE:	9/26/13
M. Coughlin, RFR, CRR	

Responses to the questions provided:

1. Was the use of the SWAT team on January 5, 2011 at 26 Fountain Street in Framingham an appropriate use of the team?

It is my opinion that the use of the Framingham Police SWAT team to execute the search warrant at 26 Fountain Street was an appropriate use of the team, and consistent with contemporary police practice considering the circumstances reasonably believed to exist. It is important to note that contemporary police practice is just that-what most reasonable and prudent law enforcement agencies would do-and such "practice" does not bind or compel a chief or sheriff into action or compliance. The ultimate responsibility for determining the "appropriate use" of any police resource-including the SWAT Team-rests with the chief or sheriff of the agency involved.

Considerations and basis for this opinion-The original SWAT team concept (late 1960's early 1970's) was for counter-sniper and extremely high-risk situations involving rioting, public disorder, and heavily armed/violent paramilitary groups. Beginning with the Drug Abuse Prevention and Control Act of 1970, SWAT has evolved into a more diverse operational element with roles that differ greatly from that of the original teams. This evolutionary process has not been without criticism or controversy. Some in the public and academic domains challenge what they describe as the inappropriate expansion of SWAT from its original "high-risk specialized" role, to more traditional police activity-most often involving drug law enforcement. One academic survey (involving 690 law enforcement agencies) reported that 75% of the SWAT activities were devoted to serving drug warrants, primarily due to the potential dangers if not handled by properly trained and equipped personnel. In the immediate case Framingham Police narcotics investigators received information from sources that cocaine base ("crack") was being sold in and around 26 Fountain Street. Two subjects were identified as the persons believed to be selling the cocaine, and eventually three controlled drug purchases were made from the suspect location. In addition, surveillance of 26 Fountain Street revealed what appeared to be multiple "hand to hand" drug sales occurring independent of the three controlled purchases referenced above. In preparation of obtaining a search warrant the investigators conducted an inquiry into the background of the suspects involved. The information obtained caused them to reasonably conclude that the potential risks involved would likely meet the criteria for using the SWAT team to serve the warrant. The basis for their concern is outlined on page two of the district attorney's report as follows:



the possible existence of a third potential suspect (named) inside the target location; the numerous people seen coming and going from the target apartment

in the hours leading up to the execution of the search warrant; and the numerous hand to hand drug transaction observed in front of the target apartment in the hours leading up to the execution of the search warrant”

This information was provided to the SWAT command element, which agreed that the potential risks inherent in this operation met the criteria for using the tactical team and as mentioned in opinion #1 above, this decision was appropriate and consistent with contemporary practice in tactical policing today.

2. Was the screening tool used to determine whether or not SWAT is deployed consistent with “best practices” regarding how to evaluate whether or not to use SWAT?

It is my opinion that the SWAT Threat Assessment matrix used by the Framingham Police Department is consistent with and representative of contemporary police practice, as it relates to establishing an objective process for evaluating the appropriateness of using the SWAT team.

Considerations and basis for this opinion-The Framingham Police Department uses a written SWAT Threat Assessment Matrix, which according to SWAT command was designed and intended to provide objective criteria for assessing whether the use of the team would be appropriate. The matrix is broken down into four primary areas;

- suspect(s) assessment
- offense assessment
- weapons assessment
- site assessment

Each area is then broken down into sub-topics, which are assessed and weighted on a numerical basis. The total number of points are then used to provide guidance concerning whether the situation should be classified as optional SWAT use (1-16 points), SWAT command consultation (17-24 points), or mandatory SWAT activation. The Stamps file does not contain a completed SWAT Threat Assessment Matrix. SWAT command acknowledged that a matrix was not written out and completed in this case, but instead used as a mental “check off” when consulted by the narcotics investigators to determine whether SWAT use was appropriate-and in consideration of the circumstances involved command correctly determined that it was. The internal affairs report by Lt. Hill states that:

“using the above assessment, [REDACTED] that factor alone called for a mandatory SWAT activation.”

In contrast, my understanding of the matrix is that mandatory SWAT activation only occurs when the weapon involved is believed to be “fully automatic”, which in this

case it was not (handgun). I completed the matrix conservatively using the information provided, and arrived at a total point count of 21. Based on the matrix, 21 points suggests the operation falls under the heading of "SWAT command consultation". SWAT command was consulted in this case, and the appropriate decision concerning the use of SWAT was made as a result. It is important to note that there is some debate in tactical police circles concerning whether:

- A. A matrix should be used at all, as opposed to the decision being made based only on what is reasonable considering the totality of circumstances presented.
- B. The matrix should have a defined numerical component that mandates SWAT not being used.
- C. The matrix should allow SWAT to be a potential option in practically any situation-as the Framingham Matrix does (where one point is sufficient for SWAT to be "optional")-and team use is decided based on what is reasonable considering the totality of circumstances presented, and the assessment of SWAT command.

The primary reason documents of this type have been created is to provide an objective basis for determining when SWAT should be used, and equally important in the minds of some, when SWAT should not. The material reviewed in the immediate case indicates that the Framingham Threat Assessment matrix and SWAT command response to it is doing just that. I examined the SWAT warrants history chart for the five years prior to the incident at 26 Fountain Street, and learned that the Framingham SWAT Team served one search warrant in 2006, three in 2007, five in 2008, one in 2009, and four in 2010. The "reason for SWAT" notes provided in each reflects the agency focus on elevated risk/weapons, and compliance with the letter and spirit of the SWAT Matrix. In addition, the minimal number of warrants served by SWAT in the five years (14) prior to the immediate case indicates that the Framingham Police Department is far more restrictive in its overall philosophy on authorizing the use of SWAT than most agencies today. This infrequent use should not be an indication of whether Framingham needs a SWAT team. It is an indication of how focused SWAT command is on using the team only when believed to be truly needed-which should be commended as it is a reflective of a level of caution and restraint that I rarely see in agencies today.

The SWAT command element created the matrix for the Framingham Police Department, has intimate knowledge of what it contains, and effectively used that knowledge to make the correct deployment decision in this case. Likewise, it is my opinion that the matrix should have been physically completed and made a part of the agency file.

3. Are the members of the Framingham Police Department SWAT team sufficiently trained for their SWAT mission?

It is my opinion that the Framingham Police Department SWAT Team is sufficiently trained for the SWAT mission they were tasked with in the immediate case-the service of an elevated risk search warrant.

Consideration and basis for this opinion-A review of the training records reveals that SWAT members receive a 40 hour foundational training course upon joining the team, which in Officer Duncan's case was provided by Los Angeles Police SWAT team leader Mike Odle in August, 2008. Mr. Odle is recognized as one of the most premier and sought after tactical trainers in America, and the 40 hour course he offered to Framingham SWAT (Barricaded Gunmen and High Risk Warrant Service) would have provided in depth information specific to resolving situations such as the warrant at 26 Fountain Street, and would have exceeded the level of training in this area most part time teams receive. In addition, each team member by policy must attend eight hours of in service SWAT training per month, and the records indicate that a variety of relevant topics were covered during the years preceding the search warrant in question. In addition, the records indicate that team members are also committing four additional hours to firearms training, for a total of 12 hours of in service SWAT related training per month.

In order to answer the more general question concerning whether the Framingham SWAT team is sufficiently trained for "their" SWAT mission, I would have to conduct an in depth team assessment beginning with clearly defining what their "SWAT mission" is. I would then compare that information to the specific time and course work committed to foundational skill achievement and maintenance, at the command, supervisory, and line operator levels. The records reviewed did not provide information concerning the training (foundational and in service) committed to those assuming the command and supervisory roles. The 12 hours per month committed to training is less than the 16 hours most part time teams attempt to maintain, but this may be adequate based on the tasks higher authority expects the line personnel to address.

4. Was Officer Duncan adequately trained and supervised?

It is my opinion that Officer Duncan was adequately trained and supervised as it relates generally to "basic SWAT", and specifically to the technical aspects of serving an elevated risk search warrant.

Considerations and basis for this opinion-As outlined in opinion three above, I believe that Officer Duncan received an adequate level of foundational and in service training to serve an elevated risk search warrant. In addition, my review of the file as it relates to the supervisory effort put forth during the pre-operational planning, briefing, operator assignments, and warrant service itself were consistent with

contemporary SWAT teams facing similar circumstances. The file reveals a deviation from the tactical plan when Officer Duncan entered the bedroom/living room on point after he breached-as opposed to trailing as planned and which would be consistent with most breachers. Duncan speaks to this issue on pages 25-27 of his interview. His response outside the operations plan (to the door failing to open as expected) is not reflective of inadequate training or supervision, but of an operator making a spontaneous decision when faced with an obstacle to entry-the door separating in the middle as opposed to swinging open on the hinges-and his interest is quickly moving the stack forward. The file also reveals the unintended firing of a weapon by Officer Duncan. The training issues related to this go beyond the scope of training for serving the warrant itself, and are addressed in #5 below.

5. Was a lack of training a cause or contributing cause to the death of Mr. Stamps?

It is my opinion that the training Officer Duncan received as it relates to threat assessment and the status of the M4 rifle safety/selector were contributing causes in the death of Mr. Stamps. It is also my opinion and belief that the training he received was not outside of contemporary tactical thinking and generally accepted practice for many agencies.

Considerations and basis for this opinion-Lt Hill concluded the following in his internal affairs report:

“Regarding the discharge of Officer Duncan’s weapon and the death of Eurie Stamps, I concur with District Attorney Leone that this was accidental. I do not believe that the weapon was discharged as the result of non compliance with our policies. Duncan’s explanation of the events preceding the discharge is credible. Numerous officers, who passed through the hallway and climbed over Eurie Stamps before Duncan, described how cluttered, tight, and difficult it was to do so. Crime Scene photographs that were taken by the Massachusetts State Police depict the situation as described. Duncan articulated valid reasons for him to consider Stamps to be a potential threat and for making the decision to secure his hands. Duncan, as well as all members of this Department who have been trained with the M-4 rifle, was taught to have his finger on the outside of the trigger guard unless he was prepared to fire. Room clearing training has consisted of teaching officers to have the safety in the off mode (semi auto) when they are the first to enter a room and when they perceive a possible threat. Other officers and I were instructed in this manner during refresher training with the M-4 on 05/18/11 by Sergeant Vincent Stuart. Duncan claimed that his finger was on the outside of the trigger guard before he lost control of his weapon and tried to regain control of it. He also claimed that the weapon’s safety was off (semi auto) mode.”

Based on the material reviewed it appears clear that Officer Duncan did not intentionally fire his weapon, and that the shooting was not the result of an intentional failure to comply with agency policy. Lt. Hill makes reference to the policy on “weapons and firearms” in his report, and then adds the technical description of Duncan’s rifle and the magazines/ammunition involved. The policy under section 6 (a) requires officers to “handle all weapons in accordance to their training”, and under (d), “keep their finger outside the trigger guard until ready to engage and fire on a target”. The policy does not address the two issues that directly contributed to the unintended discharge by Officer Duncan;

- Threat definition and assessment
- Status of the safety/selector lever in response to #1

The agency lead M4 rifle instructor told me that officers are trained to keep the rifle safety/selector on safe until they perceive a “threat”, and Lt. Hill noted in his internal affairs report that:

“Room clearing training has consisted of teaching officers to have the safety in the off mode (semi auto) when they are the first to enter a room and when they perceive a possible threat. Other officers and I were instructed in this manner during refresher training with the M-4 on 05/18/11”

As noted above this issue is not addressed in the weapons policy, so training would have provided the only guidance, direction, and agency influence concerning threat assessment and then in response, safety/selector manipulation at 26 Fountain Street. The training as described empowers the individual officer to decide when a threat is perceived or possible, and correspondingly decide when to remove the weapon from safe. The inherent problem with this is absent specific training on how a threat is defined and differentiated between perceived and possible, officers will self define and differentiate in their own unique and diverse ways. Correspondingly, they will vary in their decision when to go or remain “off” safe-and such variance in my opinion is problematic. Lt. Hill noted in his IA report that:

“Duncan articulated valid reasons for him to consider Stamps to be a potential threat”

Officer Duncan specifically addresses this issue in his statement, beginning on page 36 line 21, and ending on page 40 line 20:

“As I step in onto the threshold, I could see that it’s dark. There seems to be obstacles in the hallway, disheveled, appeared disheveled to me. I see a man laying on his stomach somewhere in the hallway, probably, if I were to guess, a couple of feet passed the threshold, maybe two, three feet passed the threshold. I-- that’s trying to recollect distance in darkness. So, as I-- now, the other two SWAT operators are gone. I look down. I see the individual laying

there. At that time, his-- he's laying on his stomach. His hands are, I believe, above his-- I believe his elbows were resting on the floor. His hands and fingers were open, and they were not on his head. They were hovering by his head. So I see-- I see that. As I-- as I approach him at the threshold, I recall his-- I recall his head moving up towards me and his hands moving like in a motion of, you know, who's this, what's coming in here. So I see the hands move and the head go up, not a great distance, just enough where my attention automatically went to his hands and his head. So I see the movement. So, at that time, I see the movement. I-- I have my long rifle in the low ready. I point it in his direction. At this time, I know-- I could-- I can hear-- I can still hearing yelling coming from that room down there. So I'm assuming, because I hear that yelling, that they have contact with something at that end of the room, out of my sight, in another room at the end of that hallway. He looks up to some degree. The hands move. My attention's focused on him. Long rifle pointed at him at that time, basically, because I didn't-- I don't know, at that point, you know, what's around him. The movement automatically draws my contact. So I have him. I know now-- I'm in this position. I know now the other SWAT operators move quickly. They went in for the other threat. I'm looking at the other room. It's disheveled in the area that he's in. I know that those SWAT operators had not checked him for any weapons. I know that there was no check of the area for any weapons, other than maybe a quick one with their eyes. And whether they saw something or—I don't know. So I make a decision at that point. My options are focus on him like this and say, "Don't move. Don't move." But what happens if there's a gun or something hidden anywhere and he just reaches quick? What happens? Well, I'm still in a position where I got to make a decision. Do I fire? Do I not fire? And in my mind, as quickly as it was going, I made the decision, I'm going to take that out of this equation. I decided I'm going to go on the side of him, get his hands behind his back; not handcuff him, but just tighten up on his hands and kneel down on him so that I know he can't reach for anything at all, period. It takes-- in the back of my mind, it takes any threat that may be someplace I can't see, someplace I can't see, out of the equation, as far as any firearms or weapons. So, at that point, he's on the ground. I don't recall if he's-- I don't recall the way that he's laying; if he was directly straight, parallel with the wall, or if he was cockeyed. I can't remember. It seems to me that he was-- he may have been laying at an angle, where his head was towards me, but his body may have been coming towards the right side of the hallway. I-- it was dark. At that time, I come around the right side of him. I take a couple of steps and I come around the right side of the-- of the-- of the man on the ground, on the floor. For some reason, I don't know if-- I think I was somewhere around his shoulders, or just passed his shoulders, I don't know if I stepped on something with my right foot, or whatnot, but, for some reason, I had to step backwards with my left foot, or not backwards, but to my left, which is essentially the spot-- the area I had come from. So I step with my right. I started to make that motion and, all of a sudden, I felt, for some reason, I had

to step left. So, as I stepped to my left, I just-- I lose my-- for some-- some way, I lose my balance. I start to fall over. I'm-- I'm going backwards. I remember it was very quickly, but I start going backwards."

Officer Duncan describes a tense and uncertain situation, but one that is encountered on practically every search warrant in America today. A subject is located, grounded, hands are visible and raised, he appears submissive, he has not yet been searched, handcuffed, or physically controlled, and there are a number of "unknowns" as it relates to potential danger. What should a reasonable, prudent, and properly trained officer do in this circumstance? Based on my knowledge, training, and experience, I suggest that one of the following courses of action would most likely be observed:

1. The officer holds position, advises the subject "police-search warrant-do not move", weapon on or off safe (depending on agency guidance, direction, policy/practice, and training), weapon pointed off the subject at low ready, and then he/she calls for cover/contact backup. If other team members are busy, verbal directions to the subject are repeated, and the officer holds his/her position until someone is available to cover for handcuffing and search.
2. The officer holds position, advises the subject "police-search warrant-do not move", weapon on or moved to safe (depending on agency guidance, direction, policy/practice, and training) and pointed off the subject at low ready. The officer repeats the verbal direction, advises the subject to slowly place their hands behind their back. Upon compliance the officer moves to a position of control, secures the subject in handcuffs, and then searches.

In the immediate case Officer Duncan explained the reasons why he felt compelled to act, and act in the manner that he did. Regretfully, when he made the decision to go "hands on" with the subject and began moving in that direction, his training did not result in him first placing the weapon on safe. Upon reacting to his loss of balance and attempting to counter, Duncan unconsciously pulled his rifles trigger which resulted in the death of Mr. Stamps.

In overly simplistic terms, the rifle safety is by design the most important aspect of controlling the potential for unintended discharge. In recognition of this and the potentially catastrophic consequences of such a discharge, it is my opinion that the decision to "go off/remain off safe" should generally be consistent from officer to officer, not based on officer discretion, and in response to clearly defined and specific direction from agency higher authority. This position must be communicated through training, with learning validated by test and practical exercise. Some in police training circles will strongly disagree with my position, and assert that trigger finger control is far more important than the position of the safety. This opinion was famously illustrated in the movie Blackhawk Down, in a scene at the chow hall where Captain Steele notices Delta Force operator "Hoot" with his rifle safety in the off (fire) position. Steele challenges "Hoot" and says, "hey soldier, your weapon should be on safety at all times". "Hoot" smiles, wiggles his trigger finger and says, "this is my

safety sir". The inference is clear; "my finger, which I control, is the safety and determining factor on when this gun will go off". I agree that trigger finger control is a critically important aspect of weapon safety-as is appropriately reflected in the agency weapons policy under 6(d)-but only when the officer has conscious control of the trigger finger. A search of the related literature reveals that there have been numerous cases in which individual control has been lost. Examples include when grasping with the non-gun hand resulting in a sympathetic squeeze with the gun hand, and in response to a sudden loss of balance. Officer Duncan is quoted on page 55 line 12 of his statement, in reference to his rifles discharge as he fell:

"I just know that it discharged. I don't know consciously that my finger was in there. I just know that the weapon discharged."

In addition, there are circumstances that can result in the trigger being exposed to pressure independent of the officers' finger, such as entanglement with equipment on the raid vest or a suspect grabbing the weapon during a struggle. In any case, the mechanical safety is what stands between good intentions and a potentially deadly outcome-but it can only do so when engaged. In the immediate case Officer Duncan explained his removal of the rifle from safe beginning on page 28 lines 12-17 of his interview:

"So, once I throw the ram down in that room, I reach over to my left side. I pull out my long rifle into the low ready, flick it on to semi-automatic, and I start scanning the room to make sure there's no people in there or anything that's threatening towards myself and anybody else coming in."

Officer Duncan removed his rifle from safe prior to identifying "anything threatening", and prior to interacting with Mr. Stamps he says an additional three times that he didn't see any threats as he moved through the house (page 28-9 line 25-1, page 29 lines 9-10, page 3 line 15). Upon interacting with Mr. Stamps Duncan says he was planning to "whack (place) my gun on safe" (page 49 line 15) before laying hands on him. The key consideration here is that Officer Duncan removed his weapon from safe moments after entering 26 Fountain Street-in the absence of a specifically identified threat-and left it in that status until discharging the gun. This would appear to be outside of training as described by the primary rifle instructor, but consistent with training received as described by Lt. Hill, i.e., going "off safe" when a threat is perceived vs. when a threat is possible. Officer Duncan appears to have removed his weapon from safe due to the unsecured premises representing a potential threat, which would be within his discretion as outlined in agency training, and consistent with many contemporary agencies in tactical policing today.

In March of this year I conducted a survey of 703 police officers/agencies, specifically asking; How does your agency policy/training address long gun safety status during building clearing?

The options and response breakdown are outlined as follows:

1. On safe until firing-277 (39.4%)
2. Off safe when clearing-59 (8.4%)
3. Off safe when clearing, then on safe when performing a task that requires removing a hand(s) from the weapon-260 (37%)
4. Officer preference-107 (15.2%)

Question one was specifically worded to avoid ambiguity concerning the definition of a threat-which in my opinion is an issue in the immediate case-as contemporary officers generally agree that in order to fire you must be facing a clearly defined and immediate deadly circumstance. This survey reveals that there is no clear consensus on the issue of rifle safety status during building clearing, as evidenced by the two primary positions being at opposite ends of the spectrum-one basically advocating on safe, the other off. This topic has been the subject of "point-counterpoint" articles, and remains a focus much debate, discussion, and heated argument. In recognition of this and the potential consequences involved, it is critically important that agency higher authority consider all of the relevant issues, and make a firm decision that is then clearly articulated to line personnel, and addressed in training, policy, and practice.

Summary of opinion #5 and considerations/basis: It is my opinion and belief that the training Officer Duncan received resulted in him removing his weapon from "safe" in the absence of a defined threat. His weapon remained in that condition until he interacted with Mr. Stamps, at which point Officer Duncan moved to take physical control, lost his balance, and unconsciously pulled the trigger resulting in the discharge that killed Mr. Stamps. It is also my opinion and belief that a significant percentage of contemporary police agencies in America today provide the same or similar training, would have approved going and remaining "off safe" in the same or similar fashion, and then interacted with Mr. Stamps in the same or similar way.

6. Are the members of the Framingham Police Department SWAT team sufficiently equipped for their SWAT mission?

Based on the material reviewed I found nothing to suggest that the Framingham Police SWAT Team is lacking in necessary equipment. Likewise, my focus was on the immediate case, and an accurate determination of equipment sufficiency could only be made following a formal, in-depth operational assessment.

7. Was lack of equipment a cause or contributing cause to the death of Mr. Stamps?

Please see my response to question 6.

8. Did the SWAT team engage in sufficient pre-raid planning for the operation in question?

It is my opinion and belief that the overall pre-raid and contingency planning process was sufficient, and addressed relevant issues in a manner consistent with contemporary police practice and training.

9. Was lack of planning a cause or contributing cause to the death of Mr. Stamps?

It is my opinion and belief that the overall operational plan was sound, and that it played no role in the cause of Mr. Stamps death. Some might question the service of a search warrant when persons other than the known suspects are believed to be present. The practical reality is "others" are present in almost every police/community interaction in general, and in particular adults who reside in an active drug house are legitimate persons of interest in the criminal enterprise-until an investigation (search warrant) suggests otherwise. As such, serving this warrant in the circumstances presented was consistent with contemporary police practice.

10. Was the SWAT team following sound law enforcement / SWAT practices?

It is my opinion and belief that the operational plan was reflective of sound law enforcement/SWAT practice, which I define as being within the standards of contemporary police practice, thinking, training, and consistent with the manner in which reasonable teams would have addressed the task at hand. As outlined previously above in depth, it is also my opinion and belief that the issues related to threat assessment and safety-selector manipulation should have been clearly defined, described, and then formalized via training that included validated learning.

11. Based on the information provided, can you make any recommendations regarding how to improve and enhance the Department's SWAT capabilities to minimize the likelihood of future similar tragedies?

My response to this question is made with benefit of 20-20 hindsight not only in this case, but numerous similar ones that have occurred across the United States. I recommend that the Framingham Police Department formalize the process of threat assessment, and then provide clear and direct guidance concerning when a rifle will be removed from safe/remain off safe-with emphasis placed on remaining "safe" until the decision to fire has been made. In addition, I suggest that this process include specific direction concerning muzzle control, and the provision of clear and direct guidance on when a firearm can be pointed at a person-with special consideration given to the use of force implications and inherent dangers involved. Some will suggest that removing officer discretion from things such as when they can go "off safe" or when they can point a gun will unreasonably place them in danger. I respectfully disagree. The same arguments were put forth in the late 1970's, when progressive firearms trainers advocated abandoning the long held tradition of "un-

snapping” the holster when facing a potential “threat”. Officers historically “un-snapped” their holsters because they believed if they waited until the gun was needed, they would never “un-snap” and get it out in time. What occurred far more often was the officers “un-snapped” in the absence of a legitimate threat, and ended up losing their guns in the struggle that followed due to it not being secured by the strap in its holster. In the end suspects shot officers far more often than officers with snapped holsters failed to get their guns out in time. Progressive trainers began recognizing that risks were actually being created by the officers’ misguided but well intentioned efforts at risk reduction. Officers were then taught effectively to stay “snapped” until drawing their gun, and guns lost to suspects and the related negative outcomes have dropped dramatically ever since. I believe a similar analogy can be made today when considering threat assessment, rifle safety status, and the gun pointing issues outlined above. In depth studies have been conducted that clearly indicate properly trained officers can assess a threat, remove the rifle from safe, raise the muzzle on target, and deliver an accurate shot in less than one second. It is important to note that similar tests have revealed that had the same officer been on target and off safe when the justification to shoot was presented, the lag/reaction time inherent in the perception of the deadly threat, mental formulation of the plan to pull the trigger, and then the trigger pull sequence itself generally requires approximately the same amount of time.

Conclusion and overall summary

Based on the information considered, it is my overall opinion and belief that the Framingham Police Department SWAT Team is generally well trained for a part time team, and led by caring and competent managers who demonstrate a remarkable level of restraint before deploying the team, as well as high degree of professionalism and pre-event competency when planning a deployment. The Framingham SWAT Team training and operational process related to threat assessment and rifle safety status is consistent with countless teams nationwide, who serve hundreds of thousands of search warrants each year-with a statistical probability of a negative outcome such as this occurring at just above zero. Likewise, it is my opinion and belief that we have an obligation to prevent every single negative outcome that we reasonably can-and that is my hope for the future following this case. If officers can be trained to take full advantage of the safety mechanisms built into their equipment, and then reasonably assess threats and react accordingly, I believe that necessary law enforcement and crime suppression operations can be conducted in the safest manner possible for persons on both sides of the badge.

Attachment "A"

- Interviews of the involved persons
- Photographs of the scene
- SWAT team training records
- 911 call record
- Crime scene report
- Raid plan and related records
- Search warrant and related records
- SWAT operational history
- Prosecutor report/records
- IA report

Attachment "B"

Stephen Bradford Ijames began his full time police career in 1979. He retired in 2007 as an assistant chief of police with the Springfield, Missouri Police Department, and is at present a commissioned deputy with the Greene County, Missouri Sheriff's Office. Ijames has a bachelor's degree in Criminal Justice, a master's degree in Public Administration, and is a graduate of the 186th FBI National Academy.

During his law enforcement tenure Ijames served in, supervised, and commanded a variety of assignments including uniformed patrol, criminal investigations, undercover narcotics, and Special Weapons and Tactics (SWAT). Ijames was the founder, first team leader and then commander of his agencies full time tactical team. In that role he participated in, supervised, or commanded the service of approximately 3,000 search warrants, and the resolution of over 150 barricaded subject incidents and seven hostage taking scenarios. He currently provides tactical training and operational command consultation for the Greene County Sheriff's SWAT Team.

Ijames is an original member of the National Tactical Officers Association (NTOA) board of directors, created their less lethal force instructor trainer program, and was their first less lethal force section chair. Ijames also created the less lethal force instructor trainer program for the International Association of Chiefs of Police (IACP), and is a member of their National Policy Center board of directors. Ijames is the author of the IACP model policies on TASER, less lethal force, chemical agents, noise flash diversionary devices, hostage rescue, barricaded subjects, and their Concept and Issues Papers on SWAT and police rifles. He also is a lead instructor for the IACP and California Association of Tactical Officers (CATO) SWAT Command and Supervision Training Programs.

Ijames has provided use of force training on behalf of the IACP and the U.S. Department of State across the United States, Canada, and in 33 foreign countries-including such places as Tanzania, Bosnia, Somalia, Haiti, El Salvador, Yemen, Pakistan, and East Timor. Ijames has served on a number of resistance control inquiry panels, and has reviewed approximately 2,000 police use of force cases for agencies across the United States, Canada, and overseas.