

## Gallup Police Department holds training for 'Response to Resistance'

Written by By Cody Begaye Sun Correspondent  
Friday, 06 September 2019 06:54

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**New Gallup PD program stresses reasonable use of non-deadly force**

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The Gallup Police Department is undergoing a policy change regarding use of force.

The department has been transitioning to the new program, called *Response to Resistance*, since the latter half of June, according to Captain Erin Toadlena-Pablo.

She mentioned that officers in Gallup PD are taking the training courses for the new program from Aug. 26 - 30.

The crux of the program is reducing the use of deadly force in the case of encountering a suspect. Officers first assess the situation through verbal contact with the suspect, and then resort to defensive tactics, such as mace or taser, only if the situation has escalated to the degree where using the tools can be justified.

"Everyday encounters will change," Toadlena-Pablo said Aug. 28.

According to Toadlena-Pablo, there have been 60 use-of-force incidents involving certified Gallup police officers in 2019. That is higher than the total number of cases in each of the three previous years, and she noted there are still four months left to be counted.

Toadlena-Pablo said the program was designed using the outcome of two U.S. Supreme Court cases as a foundation. Lieutenant Billy Padavich gave more info on these two cases.

The first case is *Tennessee v. Garner*, decided in March 1985, where the outcome states an officer may use deadly force to stop a fleeing suspect from escaping if they have reason to believe the suspect poses a significant threat to the officer or others.

The second case is *Graham v. Connor*, decided in May 1989, the outcome of which states in the event of an arrest, stop, or other seizure of a free citizen, any claims that an officer used excessive force must be analyzed under the Fourth Amendment's "objective reasonableness" standard, and not under a substantive due process standard.

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### THE TRAINING PROCESS

Every officer from the patrol to the admin staff and former community service aides at Gallup PD attended a two-part training program throughout the week.

The training is comprised of a Powerpoint presentation approved by the New Mexico Law Enforcement Academy and consists of descriptions of scenarios like the one displayed in a video Toadlena-Pablo showed to the *Sun* as an example.

In the video, an officer encountered a suspect who was confrontational. The suspect shouted repeatedly at the officer and eventually brandished a knife. The officer continued to use verbal warnings toward the suspect as he drew his firearm. The suspect eventually moved to attack a fellow officer, and the decision to discharge the firearm had to be made.

The Gallup officers then had to assess the situation they witnessed in the video and recall important details, such as when they made contact with the suspect, the actions they took to get the suspect to stand down, and if necessary mark how many shots were fired.

"This is done to address issues in the reports to make sure they're clear," Toadlena-Pablo said. "The officers have to convey information accurately."

The reports are then reviewed by supervisors for accuracy as well as whether the officer followed the key points of *Response to Resistance*.

Having the officers explain their actions in detail will put accountability back on them, Toadlena-Pablo said.

The second aspect of the training involves live field exercises in and outside the Gallup Police

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Department. The *Sun* was invited to sit in on these exercises and participate in one of them.

Lieutenant Billy Padavich said the live exercises help the officers to determine what type of force is reasonable for a particular scenario, using what they are learning through the training to make decisions to help defuse the situation.

"We're teaching them not every situation will be the same," Padavich said. "That everything they do has to be objectively reasonable."

### OUT IN THE FIELD

The first live exercise was one where the officer had to respond to a call about a disruptive person on the premises.

After answering the call from Metro Dispatch, the officer pulled into the parking lot of a designated building. The officer made contact with the caller, who said the person has been shouting obscene and threatening messages at nearby pedestrians and staff.

The officer then had to confront the disruptive suspect, played in the scenario by Officer Neil Yazzie, who shouted that they were just minding their own business in the lot and are allowed to do so.

The officer first attempted to defuse the situation verbally, but then drew his firearm after it was revealed the suspect had a knife.

The suspect waved the knife toward the officer in a threatening manner, and eventually discarded it by throwing it in the direction of the officer. Finally, the suspect drew a firearm of his own and shouted at the officer to shoot.

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In numerous practice runs of the incident, the suspect either discarded his firearm and agreed to leave the premises or he opened fire and was subsequently "shot" by training ammo used by the officer.

After the scenario concluded, Sgt. Steven Collins discussed the importance of doing the reality-based training exercises.

"The officer must learn how to assess if the suspect has the means, the intent, and the ability to commit the crime," Collins said.

The intent of a suspect can be determined by observing their stance and demeanor, Collins said. This means having to stand about seven yards away from the suspect, giving the officer enough time to react in case the suspect decides to charge or attack.

"Distance and time are our friend," Collins said. "The ultimate goal is to gain compliance without using [excessive] force."

However, Collins added they teach their officers in the event of a hostile suspect, officers should have their firearms drawn and be ready to defend themselves.

"Be one step ahead of them," he said.

While the situation in the lot of the police department was hypothetical, Yazzie said officers would actually have several seconds at most to make a crucial decision if they are in that position in reality.

"The officers have to go home, too," Yazzie said. "We still render aid, do what we need to do, and try to save the suspect. Our job is to stop their unlawful actions."

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The scenario in the lot played out in under five minutes. But Yazzie said the corresponding report would be about 10 pages long, because the officer would have to explain why the scenario went from non-violent to involving use of deadly force.

"The reality-based training opens [the officers'] eyes to see where they're doing good and where they need to improve," Yazzie added.

The second exercise involved officers responding to a call at a place of business in reference to a person who was refusing to leave, and was unresponsive to calls by the manager to leave the premises.

In the walk-throughs of this scenario, the officer assessed the situation by speaking with the manager and then making contact with the suspect. Eventually, a second officer arrived on-scene to assist by also asking the suspect what was happening.

Occasionally, the manager would repeatedly insist the officers take the suspect away immediately. The officers told the manager multiple times to stay back a safe distance.

After failing to comply with the officers' request to stand up, the officers then had to determine when they were left with no other option but to use a taser on the suspect.

The final exercise was one in which two officers had to enter a residence in reference to a call about a domestic dispute. The victim greeted the officers and told them her husband, a war veteran currently dealing with mental problems, had hit her earlier. The suspect was intoxicated, along with second person in the room.

The officers made sure the space was clear when they entered, making their presence known to the suspect and the person he was with. The suspect repeatedly told the officers he did not want to talk to them, but eventually began to act erratically.

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In this instance, the officers were able to detain the suspect without having to use a taser.

Terrance Peyketewa, the officer who oversaw this exercise, said in these scenarios the officers may have reason to pull the trigger and use force, such as the taser, but it will ultimately be a judgment call on their part, based on how they view the situation and what they have learned.

"Everything's against you in this scenario," he said. "But whether they say yes or no [to use of force] depends on the officer."

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