



Texas Police Journal

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Dedicated to Improving the Police Profession

TEXAS POLICE JOURNAL

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Editor E. C. "Joey" Sherman
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TEXAS POLICE ASSOCIATION

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Region 3. James Sanders, Texas DPS, Corpus Christi; Joe Hamilton, Bulverde Police Dept; Joe Lopez, UT Brownsville Police Dept, and Hector Ramos & Ben Reyna, UT Brownsville
Region 4. Cliff Walsh, UT at El Paso Police Dept and Rick Pippins, Odessa Police Dept
Region 5. Kyle Hawley & Chris Shelton Amarillo Police Dept and James "Jim" Childers, Texas Tech Univ Institute for Forensic Science, Lubbock.
Region 6. Greg Minton, Leander Police Dept; and Mike Tacker, UT System Police, Austin and Ken Scheer, Texas DPS, Capitol

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From the Desk of the Executive Director

E. C. "Joey" Sherman

Greetings Everyone!

Shout out a great big welcome to our newest Agency Affiliate Member, the UT Dallas Police Department. Thanks to Chief Zacharias and the men & women of UTDPD for their continued support for TPA.

Bon Voyage to our good friend, UT Systems Assistant Chief Mike Tacker! He is off to the FBI Academy for their Management Training Program. I do believe he is ready, lost a lot of weight, working out, etc. (They will put the final trim on him, HA!). Good luck Mike!

May is Peace Officers' Memorial Month. The week of the 15th is normally set aside for memorial events, so be sure to attend a Memorial Service in your area, if you can. The DPS Service is May 17th at the Training Academy in Austin.

Mona and I were pleased to represent TPA at the DPS Recruit Graduation Ceremony, April 7th. Forty-four brand new State Troopers will be hitting the road around the State. If you know that one is coming to your area, please be sure to give them a big welcome and let them know about TPA.

Vice President Erwin Ballarta and I cruised the Vendor Show at the TPCA Conference in Austin last month. We saw many old friends and hopefully made some new ones. They had a great event.

Beginning with the July – August Issue of the Journal, we will be doubling the size of the Legal Digest (blue pages) section. Since we are only publishing every other month, the Executive Committee thought that this would provide more information about court decisions for your information and use. Thanks again to Dr. Gerald Reamey for researching and compiling the Legal Digest as well as the Peace Officers' Guide. His work is greatly appreciated.

AAHHHHH – HHAWWW !!! SAN ANTONE. Just a little flash back to the days of Bob Wills and the Texas Playboys Band, to get your attention and to remind you that there is still time to register for the 112th. Annual Training Conference in San Antonio. Check out our web site (www.texaspoliceassociation.com) for more information and registration details. We **NEED YOUR PARTICIPATION** in order for this event to be successful. Door prizes and silent auction items are also needed.

Keep up your efforts in membership recruitment and let us know if we can assist you in any way.

In keeping with the strong Mexican influence in our culture, "FELIZ CINCO DE MAYO" to all our Hispanic brothers & sisters! And to all, remember.....

Be careful out there!

A handwritten signature in black ink that reads "E. C. Sherman".

E. C. "Joey" Sherman
Executive Director



From the President

End of Tour Note **“Living the Dream”** **Bob Christy, TPA President, 2010 – 2011**

I am living the dream. Life provides us many experiences as we grow and age. A major part of those experiences are the individual contacts that we make and how the people in our lives effect us. They provide us with opportunities and steer us in positive directions, and I have been blessed to have so many people guide my steering wheel.

The list of people that have contributed to my growth, my development and my achievements is extremely long. It started in high school, college, the United States Air Force and still goes on today. I am fortunate that so many people touched my life in so many positive ways.

Organizations play a significant role in our society development and progress. The Texas Police Association is an organization that has a fundamental role in the growth of the State of Texas. Providing quality training that is right for our peace officers and the communities they serve today.

It has been an honor to serve this past year as your President.

I thank my wife, June and daughter Nicole for their patience, understanding and support; Joey and Mona for their dedication, attention to detail and candor; the Association’s Past Presidents for giving me the opportunity to serve and the peace officers of Texas for the outstanding job they do protecting our communities and our way of life.

Thank You All!

TPA Associate Members

The following have manifested their interest in improved law enforcement by supporting the continuing education program of TPA. Four times each year, their names are published in the TEXAS POLICE JOURNAL in recognition of their support.

ALEDO

Wm David Moore

AUBREY

Billy E. Coffey

AUSTIN

American Eagle Protective Services Corporation
GT Distributors – William J. Orr, Jr., President

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Suzy McLaughlin

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Woodward Hotel & Conference Center

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HARLINGEN

In Memory of Dorothy Cardoza

HOUSTON

Brian Richard Wenzel

Shell Oil International – Richard T. Garcia,
Global Security Advisor

LUBBOCK

Dr. Wilbanks and Associates

McALLEN

National Association of Stranger Abducted
Children
Manfred K. Wallner

MIDLAND

Cliffy L. Beal
James M. Blakemore
Margene Blakemore

ODESSA

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PLANO

M & R Insurance Services – Rodney McCaslin
Ross Perot
Stalker Radar – William “Bill” Fagan, Vice
President

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Blauer Manufacturing Company –
Sara Purdon, Sales Representative

ROSENBERG

Lawrence L. Morrow

SAN ANTONIO

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Warren Pawliuk
Pahrump, NV

Jose I. Ruiz
Lancaster, PA

**NATIONAL POLICE OFFICER
MEMORIAL WEEK
May 15 – 21, 2011**

National Police Officer Memorial Week is scheduled for May 15 - 21, 2011.
Please join us in honoring our fallen brothers and sisters in law enforcement.



TPA Conference to be held in San Antonio June 12 – 15, 2011

The Texas Police Association (TPA) is pleased to join local law enforcement agencies in bringing our 112th Annual Training Conference to San Antonio, June 12 – 15, 2011. TPA is a non-profit organization open to all law enforcement entities in Texas and dedicated to advancing professionalism in law enforcement through training and ethics.

Through the combined efforts of the San Antonio Area Law Enforcement Agencies, arrangements are being finalized for a great conference, not only for the individual officer, but for their family as well. Officers attending will receive some of the best training available, focusing on issues currently confronting law enforcement such as: Leadership Skills, Volunteers in Policing, School Violence, Interviewing Juveniles, State Terrorism – Border Violence, Human Trafficking, Dealing with a Department Fatality, and Ethics. TCLEOSE training credit will be given to those who complete the training courses.

The Hyatt Regency Hill Country Resort & Spa will be host hotel for the conference.

Senator John Cornyn has been invited to address the membership as our Guest Speaker at the Annual Banquet Tuesday evening regarding Immigration and Border issues.

The TPA golf tournament will be held at the Hyatt Resort Golf Course on Sunday, June 12th, 8:00 a.m. to 1:00 p.m. Registration fees are \$65.00 Member/\$75.00 Non-Member. “Hole” sponsorships are available at \$250.00 per hole. The sponsor’s name will be prominently displayed at the “hole”, and the sponsor will be allowed one player in the tournament.

The Resort offers many activities for members and families. Be sure to look at the schedule for updated information.

If you are interested in being a sponsor for the conference, please contact our office at (512) 458-3140.

Finally, we are soliciting a large group of vendors from Central and Southeast Texas and other parts of the state and nation as well, in an effort to showcase products, equipment, and services available to you and your agency.

We look forward to seeing you at the Conference!

TEXAS POLICE ASSOCIATION
Annual Conference and Training Seminar – June 12 – 15, 2011
Hyatt Regency Hill Country Resort
9800 Hyatt Resort Drive
San Antonio, Texas 78251
Hotel Reservations – (210) 647-1234

Name (As to appear on Name Badge): _____

Agency _____

Address _____

City _____ State __ Zip _____

Contact Phone _____ E-Mail _____

Pre-Registrations are full payments received on or before May 12, 2011.

REGISTRATION	PRE-REGISTRATION	LATE & ON SITE REGISTRATION	TOTAL
Member	\$150.00	\$175.00	_____
Retired Member	\$75.00	\$100.00	_____
Spouse/Personal Guest	\$50.00	\$75.00	_____
Non-Member or Guest	\$150.00	\$175.00	_____
Name (As to appear on Name Badge) _____			
Youth (12 & Over)	\$50.00	\$75.00	_____
Name (As to appear on Name Badge) _____			
Child 6 – 12	\$25.00	\$25.00	_____
Child 6 – Under Free			_____
Name (As to appear on Name Badge) _____			
Golf Tournament	Member \$65.00		_____
Handicap: _____	Non-Member \$75.00		_____
*Training Only	\$50.00	\$50.00	_____
TPA Membership Dues			
Active	\$30.00		_____
Associate	\$50.00		_____
TOTAL AMOUNT DUE			_____

Make Checks Payable and mail to:
Texas Police Association
 P O Box 4247
 Austin, TX 78765-4247

If you would like to prepay using American Express, Discover, MasterCard, or Visa, fax this completed form to (512) 458-1799.

_____ American Express _____ Discover _____ MasterCard _____ Visa

Name (on card): _____

Card Number: _____ Exp. Date: _____

Signature: _____ Today's Date: _____

Please List Special Assistance/Dietary Needs _____

If further assistance is needed, please contact our office at (866) 997-8282.

Refunds will not be made after May 12, 2011

Tentative Schedule
Texas Police Association
112th Annual Training Conference
June 12 – 15, 2011
San Antonio, Texas

Theme: **“Training That Effects Your Leadership and Professional Skills – Today and Tomorrow”**

Convention/Host Hotel: Hyatt Regency Hill Country Resort
9800 Hyatt Resort Drive
San Antonio, Texas 78251
Phone (210) 647-1234

Saturday, June 11, 2011

5:00 p.m. – 7:00 p.m. Registration Opens for Conference Attendees – *Hotel Lobby*

Sunday, June 12, 2011

7:00 a.m. – 8:00 a.m. Registration for Conference Attendees – *Hotel Lobby*
7:30 a.m. Golfers Depart to Hotel Golf Course for Golf Tournament
8:00 a.m. - 1:00 p.m. Golf Tournament – Hyatt Regency Hill Country Golf Course
Hole in One Prize – 2012 Ford Mustang
Lunch Provided for Golfers

12:00 Noon

Lunch on Your Own
1:00 p.m. – 3:00 p.m. Exhibitors Set-Up – *Exhibit Hall*
3:00 p.m. - 5:00 p.m. Exhibit Hall Opens - *Exhibit Hall*
3:00 p.m. – 5:00 p.m. Registration for Conference Attendees – *Exhibit Hall*
3:00 p.m. - 5:00 p.m. Executive Committee Meeting
5:00 p.m. Exhibit Hall Closes
6:30 p.m. – 8:30 p.m. President’s Reception with Vendors – *Exhibit Hall*
9:00 p.m. – 11:00 p.m. Hospitality/Networking Suite Open
Sponsored by: *Blauer Manufacturing Co.*

Monday, June 13, 2011

7:00 a.m. Exhibit Hall Open – *Exhibit Hall*
7:00 a.m. – 8:00 a.m. Continental Breakfast with Exhibitors – *Exhibit Hall*
Attendees and Family Members
7:30 a.m. – 8:00 a.m. Registration Concludes – *Exhibit Hall*
8:00 a.m. – 5:00 p.m. Training
Crisis Intervention Training (16 hours – 4 hour blocks)
Bexar Co SO
8:15 a.m. – 9:15 a.m. Opening Ceremony & General Business –
Welcome – Bob Christy, TPA President
Posting of Colors – Multi-Agency Honor Guard
National Anthem – TBA
Pledge of Allegiance – TBA
Invocation – TBA

Welcome

Sheriff A. Ortiz, Bexar County Sheriff's Office
Chief McManus, San Antonio Police Department
SAC Cory B. Nelson, FBI

Speakers

Timothy Braaten, Executive Director, TCLEOSE
Lamar Beckworth, Assistant Director, Texas DPS

Keynote Speaker

Lt. Gen. Alfred Valenzuela (Retired)
Leadership Skills and Tactics I Forgot I Knew
Break with Exhibitors – Exhibit Hall

9:00 a.m. – 10:00 a.m.

Training Sessions:

10:00 a.m. – 12:00 p. m.

Training

Human Trafficking

Bexar County SO

10:45 a.m. – 11:00 a.m.

Break with Exhibitors – Exhibit Hall

12:00 p.m. – 1:00 p.m.

Lunch on Your Own

1:00 p.m. – 5:00 p.m.

Training

Terminal Agency Coordinator #3814

(Breaks by Instructor)

1:00 p.m. – 2:45 p.m.

Training

Human Trafficking

Bexar County SO

2:45 p.m. – 3:00 p.m.

Break with Exhibitors – Exhibit Hall

3:00 p.m. – 4:00 p.m.

Training

Ethics

Buddy Lovestock

4:00 p.m. – 4:15 p.m.

Break with Exhibitors – Exhibit Hall

4:15 p.m. – 5:00 p.m.

Training

Ethics

Buddy Lovestock

Training

Volunteers in Policing

San Antonio PD

5:00 p.m.

Exhibit Hall Closes

6:00 p.m.

Evening on Your Own

9:00 p.m. – 11:00 p.m.

Hospitality/Networking Suite Open – *Suite*

Sponsored by: *Blauer Manufacturing Co.*

Tuesday, June 14, 2011

7:00 a.m. – 12:00 p.m.

Exhibit Display – Exhibit Hall

7:00 a.m. – 8:05 a.m.

Continental Breakfast with Exhibitors – Exhibit Hall

Attendees and Family Members

Training Sessions:

8:00 a.m. – 9:30 a.m.

Training

School Violence

Hector Morales, FBI San Antonio

8:00 a.m. – 9:30 a.m.	<u>Training</u> <i>Terrorism Trends & Threat Assessment/Internet Propoganda in the Jihadist Movement</i> Joseph Horton, FBI Intelligence Analyst & Capt. David Franklin, Texas DPS/CID
8:00 a.m. – 9:30 a.m.	<u>Training</u> <i>Leadership</i> Dr. Rita Watkins, LEMIT
8:00 a.m. – 5:00 p.m.	<u>Training</u> <i>Crisis Intervention Training</i> Bexar County SO
9:30 a.m. – 10:00 a.m.	Break with Exhibitors – Exhibit Hall
10:00 a.m. – 12:00 p.m.	<u>Training</u> <i>Interviewing Juveniles</i> Dr. Pete Blair, TSU
10:00 a.m. – 12:00 p.m.	<u>Training</u> <i>Border Violence Continued</i> Sgt. Pena, Texas DPS, Laredo
10:00 a.m. – 12:00 p.m.	<u>Training</u> <i>Fusion Center Development</i> Lexi Quinney, Texas DPS Counter Terrorism, Bexar County SO, & San Antonio PD
12:00 p.m. – 1:00 p.m.	Lunch on Your Own
12:00 p.m.	Exhibitors Tear Down
Training Sessions:	
1:00 p.m. – 2:45 p.m.	<u>Training</u> <i>What to Look For – Child Safe</i> Clarissa Zamora, Case Worker
	<u>Training</u> <i>Domestic Terrorism Radicalization</i> Karl Kehrberg, FBI San Antonio & Bob Stricklin, San Antonio PD
	<u>Training</u> <i>Terminal Agency Coordinator #3814 – Block 2</i>
2:45 p.m. – 3:00 p.m.	Break
3:00 p.m. – 5:00 p.m.	<u>Training</u> <i>Behavioral Intervention</i> Sgt. Tom Calvcci, UT San Antonio PD
	<u>Training</u> <i>Terrorist Screening Center</i> Terrence Wyllie, FBI Outreach Coordinator
	<u>Training</u> <i>Terminal Agency Coordinator – Continued</i>
6:00 p.m. – 7:00 p.m.	Silent Auction
6:00 p.m. – 7:00 p.m.	Hospitality Reception
7:00 p.m. – 9:00 p.m.	Banquet (Dress-Business Casual) Adults ONLY Please <i>Speaker – Senator John Cornyn</i>

9:00 p.m. – 12:00 a.m. Annual Business Meeting/Installation of Officers
Wallace Beasley Award Presentation -Terry Bratton, ATLEE
Hospitality/Networking Suite – *Suite*
Sponsored by: *Blauer Manufacturing Co.*

Tuesday, June 15, 2011

8:30 a.m. – 11:00 a.m. Family Prayer Breakfast
Speaker – Ted White, Bexar County Sheriff's Office
Final Door Prizes

11:00 a.m. Adjourn

Attendees will receive TCLEOSE credit for training sessions completed.

Spouse/Youth Activities

Sunday, June 12, 2011

3:00 p.m. – 5:00 p.m. Registration for Conference Attendees – *Exhibit Hall*
6:30 p.m. – 8:30 p.m. President's Reception with Vendors – *Exhibit Hall*
9:00 p.m. – 11:00 p.m. Hospitality/Networking Suite Open – *Suite*
Sponsored by: *Blauer Manufacturing Co.*

Monday, June 13, 2011

7:00 a.m. – 8:00 a.m. Continental Breakfast with Exhibitors – *Exhibit Hall*
Attendees and Family Members

9:00 p.m. – 11:00 p.m. Hospitality/Networking Suite Open – *Suite*
Sponsored by: *Blauer Manufacturing Co.*

Tuesday, June 14, 2011

7:00 a.m. – 8:00 a.m. Continental Breakfast with Exhibitors – *Exhibit Hall*
Attendees and Family Members

6:00 p.m. – 7:00 p.m. Silent Auction

6:00 p.m. – 7:00 p.m. Hospitality Reception – Spouses

7:00 p.m. – 9:00 p.m. Banquet
(Dress-Business Casual) Adults ONLY Please
Speaker – John Cornyn
Annual Business Meeting/Installation of Officers
Wallace Beasley Award Presentation – Terry Bratton, ATLEE

9:00 p.m. – 12:00 a.m. Hospitality/Networking Suite – *Suite*
Sponsored by: *Blauer Manufacturing Co.*

Wednesday, June 15, 2011

9:00 a.m. – 11:00 a.m. Prayer Breakfast
Speaker – Ted White, Bexar County SO
Final Door Prizes

11:00 a.m. Adjourn

Due to the location of the Conference, we're confident there will be plenty of entertainment on site for the family members to participate in.



**112th TEXAS POLICE ASSOCIATION ANNUAL GOLF TOURNAMENT
Hyatt Regency Hill Country Resort Golf Course
Sunday, June 12th, 2011, Shotgun Start.**

The Texas Police Association will hold its Annual Golf Tournament at the Hyatt Regency, Hill Country Resort on Sunday, June 12, 2011 at 8:00 a.m. The registration fee is \$65.00 for TPA Members and \$75.00 for Non-Members. Registration fee includes green fee, cart fee, mulligans, drive contests, and lunch. The Hyatt Regency HCR Golf Course is a premiere Texas course located on site.

Awards will be given to the 1st, 2nd, & 3rd place teams, along with individual contest winners. Your Choice: Bring your own team or be assigned to a team by the Tournament Coordinator. Door prizes included!

REGISTER EARLY!

Payment may be made early to secure individual and team space.
Sponsorships are also available!

Name _____ Member: (yes) (No) Circle one _____

Agency _____

Address _____ City _____ Zip _____

Phone Number _____ Email _____

Please provide name and agency of additional players, if applicable:

Player 2: _____ Member: _____

Player 3: _____ Member: _____

Player 4: _____ Member: _____

TBN later-allowed for early registration and payment. Total: _____

Please select payment method.

_____ Check/Money Order Enclosed (*Payable to Texas Police Association*)
 _____ Credit Card: American Express Card # _____ Exp Date _____
 Discover Card # _____ Exp Date _____
 MasterCard Card # _____ Exp Date _____
 Visa Card # _____ Exp Date _____

Return completed forms to:
Texas Police Association
P O Box 4247
Austin, TX 78765
Phone (512) 458-3140 Fax (512) 458-1799

2011 Wallace Beasley Award

The Association of Texas Law Enforcement Educators (ATLEE) is accepting nominations for the 2011 Wallace Beasley Award. Each year, this award goes to an outstanding trainer or educator in the field of law enforcement. The nominee should be in good standing within the law enforcement community. Years of service and contributions to the training and education of law enforcement officers in Texas will be considered during the selection process. Although not a criteria for nomination, special consideration will be given to members of the Texas Police Association. Though we are unable to list all past recipients of this prestigious award, here are a few recipients: Glen H. McLaughlin, C. C. Benson, Fred Toler, Jack Ryle, Keith Bannon, Tom Pfluger, Mark Warren, Erwin Ballarta, Frank Woodall, James Ratliff, Jackie Merchant, Jim Dodson, Terry Nichols, Wade Ford, as well as many others.

Nominations should be sent to ATLEE, P. O. Box 14592, Humble, Texas 77347. A biographical history for each nominee and your reason(s) for the nomination should be included. You may also e-mail information to tbatlee@pdq.net.

All nominations must be received by May 25, 2011.

DRIVERS LICENSE READERS

The Model 250 reads and decodes Magnetic Strip and Barcode Data from all drivers licenses and Government issued IDs.

Currently there are hundreds installed in police cruisers. The Model 250 easily attaches to the police cruisers' main computer



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Special Discounts & Rebates for Texas Police Association Members



**For a catalog and pricing go to:
www.cmcgov.com/tpa
Dallas, Texas • (972) 960-8301 ext 1**

Beretta & Benelli Personal Purchase Benefit Program For Texas Police Association Members

Beretta, Benelli and Stoeger through their Law Enforcement Distributor, CMC Government Services in Dallas, are offering discounted personal purchase prices and rebates on selected firearms to all members of the Texas Police Association.

To get more detailed information on the program, prices and how to purchase a firearm at the special TPA member price, go to <http://www.cmcgov.com/tpa> and fill out the form to receive an instant email with the complete program package.

You can call David Goldstein with CMC Government Services in Dallas at (972) 960-8301 ext 312 with any questions.

The Texas Police Association

E-mail: txpolassoc@sbcglobal.net

Check out our Website: www.texaspoliceassociation.com

New "800" phone number: 866-997-8282.

The Association of Texas Law Enforcement Educators

E-mail: tbatlee@pdq.net

Legal Digest Editor, Gerald S. Reamey

E-mail: greamey@stmarytx.edu

The DPS Training Academy now has a Web Site.

http://txdps.state.tx.us/trainingacademy/police_training/index.htm

Scroll down and click on description of classes.

This will bring up all the TPA schools.

Scroll down to view all the classes listed.

Picking Cotton

By Ian S. Lovestock, M. Ed

In 1984 Jennifer Thompson was a 22 year-old college student. As she was sleeping, a man broke into her small off-campus apartment after cutting the phone line and disabling the outside light near the back door.

The man, armed with a knife placed the knife at her throat and threatened to kill her if she screamed. As the intruder raped her she vowed to herself to stay alert, study her assailant and be the best possible witness she could be to help the police catch him.

After the assault she was able to escape causing the rapist to flee her apartment. He then raped a second victim not far from Jennifer's apartment. Two days later she met detectives at the Burlington, NC police department. After looking at the array for about five minutes selected Ronald Cotton from of a lineup consisting of six photographs. Gary Wells, a professor of psychology at Iowa State University said that's no good. "Recognition memory is actually quite rapid...if somebody's taking longer than ten – 15 seconds; it's quite likely that they are doing something other than just using reliable recognition memory." The second victim was unable to make an identification of her assailant.

Six months later Cotton went to trial, found guilty and sentenced to life in prison. Two years later, Cotton won a new trial after testimony from another man, a fellow inmate, reportedly told other inmates that he committed the rape for which Cotton had been convicted.

At a preliminary hearing, in the presence of the trial judge, the man, Bobby Poole denied the rapes and Thompson testified she had never seen Poole before in her life. Ron Cotton was resentenced to two life sentences with no chance for parole after the judge in the second trial refused to let the exculpatory testimony of the inmates who claimed Poole admitted the rape, into evidence. Detective Mike Gauldin feels the judge believed the inmates' testimony was not credible.

Nine years later, Cotton was watching the O.J. Simpson trial unfold on television when he

heard about a new test that could possibly prove his innocence. He wrote to his new attorney, law professor Rich Rosen. Rosen warned Cotton that DNA evidence could "cut both ways."

Packed away on the shelves of the Burlington Police Department was 10-year old evidence from the two rapes that night. Inside one of the rape kits was a fragment of a single sperm with viable DNA. The test result proved Cotton was innocent and Bobby Poole committed the rapes.

Ronald Cotton was released from Central Prison after serving 11 years, becoming the first convicted felon in North Carolina exonerated through DNA testing. Bobby Poole, serving a life sentence of his own and dying of cancer, unremorsefully confessed to the rapes.

Now that DNA has exonerated 266 men in mostly sex crimes and homicides, criminologists are going back to study what went wrong in the police investigations. Over 75 percent of those exonerated through the DNA testing were convicted in part because of faulty eyewitness testimony. Seventeen of those exonerated were on death row. The true suspects have been identified in 117 of the DNA cases.

In Texas, since 1994, 42 convicted felons have been exonerated – about 75 percent were from Dallas, Harris, and Travis counties. A review of those cases by the Innocence Project of Texas found that the leading cause of wrongful convictions was flawed eyewitness identification. Gary Wells says that eyewitness testimony has two key properties: one, it is often unreliable; and two, it is highly persuasive to jurors.

In 2001 Texas enacted a post-conviction DNA access law (Chapter 64 of the Texas Code of Criminal Procedure) which streamlined the process for defendants to request DNA testing in order to prove their innocence.

When Thompson spent five minutes studying the photographs, Detective Gauldin thought she was just being careful. In studies by David Dunning and Scott Perretta (2002), eyewitnesses who make their identifications in 10 to 12 seconds were nearly 90 percent accurate; those taking

longer were only about half that number.

Burlington Police Chief Mike Gauldin instructed new cadets at their police academy the importance of the criminal investigation process, until he retired in 2007. Chief Gauldin used the Cotton case to illustrate that “even when you have a very good case, even when you do everything right, that this case serves as an example of what can happen...” Under his leadership, Burlington police department became the first in the state of North Carolina to mandate sequential lineups (where witnesses are shown suspects or suspects’ photographs one at a time, instead of the more traditional simultaneous method) and double-blind procedures, where the lineup administrator is not the investigating officer and therefore does not know which picture (or person) is the suspect and thus cannot provide any unintentional clues. Admittedly, this is not always practical in some smaller police agencies.

In 1999 the Department of Justice published a research report entitled *Eyewitness Evidence; A Guide for Law Enforcement*. The guide, available on-line, assumes good faith by law enforcement agencies. The guide identifies procedures and practices that will likely produce more reliable and accurate eyewitness evidence in a greater number of cases while reducing or eliminating practices that can undermine eyewitness reliability and accuracy.

“We need eyewitnesses...if we couldn’t convict based on an eyewitness, that’s giving a lot of comfort to criminals,” Gary Wells said. “We have no choice. We have to find ways to make this evidence better.”

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About the Author

Ian S. “Buddy” Lovestock retired from the Bexar County Sheriff’s Office after more than 30 years of police service. He earned a Master’s degree in Education from Texas State University and is designated a Certified Training Professional from Texas A&M University. In 2007 he was recipient of the Wallace Beasley Award as TPA’s ‘Trainer of the Year.’ He presently instructs at the San Antonio College Law Enforcement Academy and the Institute for Criminal Justice Studies at Texas State University – San Marcos.

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SITUATIONAL INFORMATION REPORT

CRIMINAL TRADECRAFT ALERT

Bulletin Number: 2011-02-06

Dissemination: Restricted to Law Enforcement (NGIC)

Date: February 28, 2011

Inmate Manufactured Handcuff Key

This Situational Incident Report is being provided as a reminder that inmates continue to use asthma inhalation aerosol containers to manufacture handcuff keys. The below photos provided by the California Correctional Institution demonstrate the process that has been used by inmates to manufacture these keys:



Photo#1

Inhalation aerosol container issued to inmates

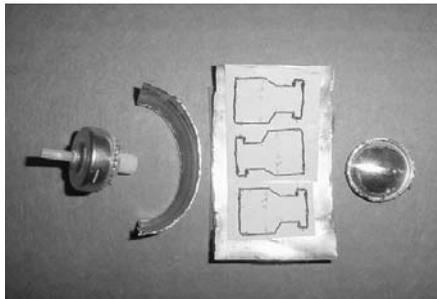


Photo #2

The inhaler is broken down into pieces in preparation for the material to be used to manufacture the handcuff key. Notice how a template is laid over the metal in preparation to cut three keys. This template was discovered in an inmate's property.

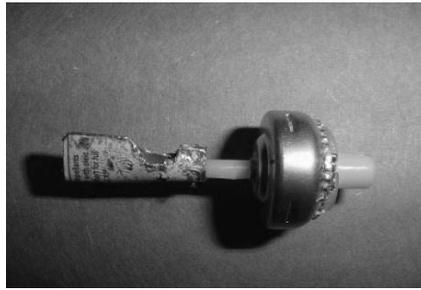


Photo #3

The rough key is fitted over the plastic tube found in the inhaler so that the handcuff key will have the cylinder shape. This shape is needed to fit over the post found in the locking mechanism in the handcuffs. The rough edges are rubbed off at this point to form a smoother key.



Photo #4

The key on the right side of Photo #4 shows the finished handcuff key. During the processing of this key it was necessary to rub the key on a concrete surface to round off rough edges and to further shape the cylinder portion of the key.

Additional notes: The key took approximately one hour to complete. Each key can only be used one time as the metal is fragile and only works once. One inhaler will produce three keys and the key will not work if the handcuffs are double locked.

Reference: Office of Correctional Safety, Emergency Operations Unit, Security Alert 2009-24.

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	24 – 25	Uniform Crime Reporting** (Free)
	25 – 27	Shooting Incident Reconstruction*
June	9	Total Control Motorcycle Course – Level 1***
	12 – 15	2011 TPA Annual Training Conference****
July		TBA

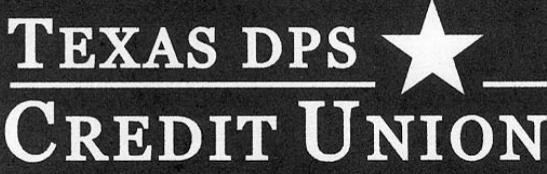
* Training to be conducted at the Texas DPS Training Academy. Contact the Academy at dps.training@txdps.state.tx.us or (512) 424-7214.

** Training to be conducted at the Brownsville Police Department in Brownsville, Texas. Contact Investigator David Perez at (956) 548-7011 for registration information.

*** Training to be conducted at the DPS EVOC in Florence, Texas. Contact Stacia Lee at (254) 793-2267 or stacia.lee@txdps.state.tx.us for registration information.

**** Training to be conducted at the TPA Annual Conference in San Antonio, Texas. Schedule and registration form are printed in this issue.

Visit our web site at www.TexasPoliceAssociation.com for updated training information. Some of our courses have registration information attached.

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