

# L.E.A.D.

LAW ENFORCEMENT ACTIVITIES DIVISION



Summer 2004

## NRA 2003 Law Enforcement Officer of the Year



Valor, Public Service, Dedication to our Constitutional Heritage



Sergeant Marcus Young:  
NRA 2003 Law Enforcement  
Officer of the Year

*"I'm honored to receive such a prestigious award. I really appreciate NRA's tireless efforts in providing training and education for members of law enforcement and young people in our community."*

*- Sgt. Marcus Young*

The National Rifle Association is proud to announce that Sergeant Marcus Young of the Ukiah Police Department in Ukiah, California, has been named the NRA Law Enforcement Officer of the Year for 2003. Sgt. Young also received a citation for valor from his department recognizing his heroic actions on the evening of March 7, 2003.

Responding to a shoplifting call, Sgt. Young placed one suspect under arrest when a second suspect, Neal Beckman, an ex-con and member of a violent white supremacist prison group, approached him with his hands in his pockets. Sgt. Young ordered Beckman to take his hands out of his pockets. Beckman admitted he had a knife in his left pocket and as Sgt. Young was disarming him, Beckman drew a .38 caliber revolver from his right pocket and fired at point blank range, striking Young in the head, side, back and right arm, shattering the bone. Sgt. Young's left hand was also seriously injured.

Just as Beckman prepared to fire again, a store security guard tackled him, and succeeded in wrestling the now-empty gun from his hand. Beckman then stabbed the security guard, nearly killing him, and began to search the patrol car, where Young kept his duty-issue rifle and shotgun. Unable to draw his sidearm, Young called for Julian Covella, a 17-year-old police cadet who

had been riding with him, to place the weapon in Young's left hand. Firing from a kneeling position, Sgt. Young fired four shots using his weak hand, scoring four hits, killing Beckman before he could harm anyone else. In fact, a later search of Beckman's vehicle uncovered a cache of five pipe bombs.

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## Forensic Technology Inc. Supports Law Enforcement Endowment

At the close of 2003, The NRA Foundation Law Enforcement Training Endowment gained a new benefactor. Headquartered in Cote St-Luc, Quebec, Canada, with offices in Washington, D.C. and Europe, Forensic Technology, Inc. (FTI) has developed state of the art technology for image analysis and identification of spent cartridges to help law enforcement agencies worldwide solve crimes. **IBIS** (Integrated Ballistics Identification System) is their premiere product giving forensic labs in the field-proven ability to capture, store, retrieve, and perform searches on both damaged or pristine bullet and cartridge case images in one system. **Gunsights** is a digital firearm reference system that also serves law enforcement in crime solving. A more detailed view of FTI's products and their contribution to the effectiveness of law enforcement can be seen at their website: [www.forensictechnologyinc.com](http://www.forensictechnologyinc.com).

Former Congressman Jim Lightfoot, now Vice-President of FTI and in-charge of its Washington Office said "Forensic Technology Inc. is pleased to cooperate with The NRA Foundation



From left to right: Craig D. Sandler, NRA Executive Director of General Operations; Cybele K. Daley, Executive Director of Government Affairs for Forensic Technology; Jim Lightfoot, Vice President of Forensic Technology

in helping to provide law enforcement with the best training and tools possible. Through the funds generated by the foundation's Law Enforcement Training Endowment police officers are provided a level of training that is unequalled. We at FTI are proud to be a

partner with The NRA Foundation in supporting the important work of law enforcement." The NRA Foundation is most pleased to welcome Forensic Technology, Inc. to the **Marksman** Level of Corporate Partners.

LEAD Newsletter is published four times a year by the National Rifle Association for the benefit of NRA Certified Police Instructors and PPC shooters.

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<http://www.nrahq.org/law>

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Sgt. Young and security officer Brett Schott underwent emergency surgery for their life-threatening injuries and survived, both returning to work months later. "I survived because of many years of ongoing training, the actions of two brave men, and because God was by my side," said Young. In his 17 years as a police officer Sgt. Young has faced danger before, but as he said on the John Walsh Show, "I'm a police officer. This is what I do."

"Sgt. Young's heroism in the line of duty, and his use of his police training to save countless lives has earned him this distinction as NRA's Law Enforcement Officer of the Year for 2003. We are proud to have him as a member of the NRA and on the streets protecting our families. He exemplifies the best in law enforcement," Kirkland, Director of NRA's Law Enforcement Activities Division.

## Popow v. City of Margate, 476 F. Supp. 1237 (D.N.J. 1979)

By Michael Garrido Blaz  
Office of the General Counsel, National Rifle Association

### Facts

Popow was shot dead by a City of Margate police officer who was pursuing another man he believed to be a fleeing kidnapper. Popow was an innocent bystander who had stepped outside his home on a residential street in response to the commotion. The shooting occurred at night.

The police officer stated that he had no cause to believe the suspect was armed, no specific reason to fear for his life, and had not witnessed the suspect commit a felony.

Although the City of Margate was almost completely residential, its police officers had not received any instruction in shooting in residential areas, shooting at a moving target or shooting at night.

The police officer had been involved in two prior shooting incidents. In one of those incidents, the police chief acknowledged that the officer was wrongful. However, the police officer had never suffered any disciplinary actions for any of the shootings.

Popow's wife sued the officer and the city. The primary constitutional claim was that the officer and the city violated Popow's right to life, without due process of law as explicitly guaranteed by the fourteenth amendment.



Michael Garrido Blaz is an attorney in the Office of the General Counsel at the National Rifle Association headquarters in Fairfax, Virginia. He is admitted to practice law in Virginia and Washington D.C. He has represented and provided counsel to the NRA in a variety of legal matters since 1995, including litigation, federal firearms law, legislative analysis, employment law, transactional matters, and law enforcement law. He has significant experience in jury trials and appellate proceeding in both civil and criminal matters. His background also includes extensive involvement campaigns for the U.S. House of Representatives. He was a Dean's List student and an Honor Society Member at Auburn University and received degrees in Political Science, Psychology and Philosophy. He received his Juris Doctorate degree from the University of Notre Dame in 1989 where he graduated near the

### Holdings

Failure to properly train an officer can be a constitutional violation by the city. Failure to properly discipline an officer can be a constitutional violation by the city. Improper use of force can be a constitutional violation by the officer. One of the more notable aspects of the decision was a clear statement that liability for violations of the right to due process under the fourteenth amendment can arise from the unintended consequences of the actions of the city and the officer. In other words, the shooting of an innocent person can create liability for the officer and the city, under 42 U.S.C. § 1983, even if the shooting of the innocent person was an accident that occurred during the chase of a suspect.

### Comments

This case was selected for consideration here because of its importance and because of its exaggerated importance. It is important because it provides a good example of the serious liability risks of inadequate training. However, the importance of this case has been exaggerated by other sources of information on police liability law which have incorrectly cited this as a U.S. Supreme Court case. This is not a Supreme Court case. It is a trial court case. Thus, this case is not "controlling" over other courts, but it may be considered "persuasive."

The most widespread application of this case is to lawsuits brought in Federal courts asserting fourteenth amendment due process violations under 42 U.S.C. § 1983. This case is often cited in an approving manner, by other judges presiding over similar lawsuits. However, depending on the exact cause of action asserted by the plaintiff and upon the location of the incident, there may be other cases that are more on point.

top of his class. Mr. Blaz's faculty experience includes teaching law courses in the public school system of South Bend, Indiana while attending Notre Dame, presenting seminars on constitutional law at the National Youth Leadership Forum in Washington D.C. and teaching other attorneys in continuing legal education courses approved for credits by various state bars.

## ACTION v. REACTION by J. Scott Gustafson, NRA Staff Instructor

Action versus reaction is a phenomenon most of us learned as children, either waiting to spring a practical joke on one of our friends or being on the receiving end of a practical joke. If we were the perpetrator of the joke, we always knew we had succeeded in pulling off a good one. If we were on the receiving end, we could never react quickly enough to prevent the prankster from knowing he had succeeded. With over twenty-one years in law enforcement, I can tell you from words of personal experience, that I continued to learn that lesson throughout my career.

force to get from the brain to the trigger finger? I realize we are talking about only fractions of a second, however, a lethal confrontation can occur very quickly.

According to Dr. Lewinski's research, the average officer response time from making the decision to shoot and actually pulling the trigger is about .25 of a second. This does not include drawing the gun. For the average officer to draw his gun under stress, point the firearm at the target, obtain a sight picture and fire a round averages about 1.71 seconds. The question we need to

may have used excessive force. However, with the information developed by Dr. Lewinski, that is not the case. He has been testing how long it takes for the officer to stop shooting. As it turns out, it takes just as long for the decision to stop shooting to get from the brain to the trigger finger as it does for the decision to start shooting. With the average officer that equates to the officer firing 2 or 3 shots after making the decision to stop shooting. What that can mean is even though the officer has made the conscious decision to stop shooting because the threat has started to fall or turn away, 2 or 3 rounds may be fired because the trigger finger is still working on the last command given it by the brain and will continue until a new decision is received.

“...how long does it take for the decision to use deadly force to get from the brain to the trigger finger?”

In law enforcement, officers are frequently faced with situations WHERE their reaction time can mean the difference between life and death. With the rare exceptions of specialty units (S.W.A.T., C.E.R.T. etc.), when an officer is faced with a situation that may require the use of deadly force, the officer may be behind the power curve, so to speak, and will have to catch up very quickly to survive.

Research conducted by some very prominent scholars has produced some interesting and compelling information that is available to the law enforcement community. Most notable in this area is Dr. William Lewinski, Ph. D., Minnesota State University, Mankato. ([www.ultimateperformancetraining.com](http://www.ultimateperformancetraining.com))

In his research, Dr. Lewinski has conducted extensive testing on how much time is required to process thought into action. In other words, how long does it take for the decision to use deadly

ask is "How many rounds can the bad guy fire in one second?"

While attending this year's annual A.S.L.E.T. Conference in St. Louis, MO, I attended a lecture session conducted by Dr. Lewinski. He introduced to the audience some of his latest research on why many suspects are shot in the back or on the ground. At first glance in these situations, it may appear as though the involved officers

Those who are involved in law enforcement training owe it to themselves and their officers, to look into this research and how it may impact on their training and the need to train them to fire fast and accurate shots.



**Scott Gustafson** came to the **Law Enforcement Activities Division** after he retired from the Phoenix, Arizona, police department in 1997, after 20 years of service, 12 of them assigned to the Phoenix Police Regional Training Academy. Scott is a Vietnam veteran where he served on small boats on the rivers of South East Asia and still actively serves in the United States Naval Reserve where his duties include small arms training. Scott began his NRA career as an adjunct instructor in 1990, and came on board as a full-time staff instructor after his retirement. Scott is a certified armorer on most of the semi-auto pistols and shotguns being utilized by law enforcement today and is certified as a Handgun/Shotgun, Tactical Handgun, and Patrol Rifle instructor. He is a member of the Law Enforcement Alliance of America (LEAA), the International Association of Law Enforcement Firearms Instructors (IALEFI), the American Society for Law Enforcement Training (ASLET), is an endowment member of the National Rifle Association and a Vietnam veteran.



## 2004 NRA Law Enforcement Firearm Instructor Development Schools



Call or email: (703) 267-1640 · LEAD@nrahq.org  
To apply online: <http://www.nrahq.org/law/training/instructorschools.asp>  
**NRA Tuition - \$495**

*Range Fee, if any, is payable to some hosting agencies, amount varies.*

### HANDGUN / SHOTGUN INSTRUCTOR

May 3-7 Norman, OK (Okla. City)  
May 3-7 North Las Vegas, NV--**FULL**  
May 3-7 Tuscaloosa, AL (public LE only)  
May 17-21 Pittsburgh, PA--**FULL**  
May 24-28 Trinidad, CO  
May 24-28 Rochester, MN--**FULL**  
June 7-11 El Dorado, KS  
June 7-11 Allentown, PA--**FULL**  
June 14-18 Allentown, PA  
July 12-16 Baldwin, NY (New York City area)  
Aug 2-6 East Brunswick, NJ (public LE only)  
Aug 2-6 Trinidad, CO  
Aug 16-20 Vancouver, WA  
Sept 13-17 Panama City, FL  
Sept 20-24 Hattiesburg, MS  
Sept 20-24 Reno, NV  
Oct 11-15 Las Vegas, NV <sup>2</sup> (public LE only)  
Oct 18-22 St. Charles, MO (public LE only)  
Oct 25-29 Baton Rouge, LA <sup>3</sup>  
Oct 25-29 Evansville, IN  
Nov 8-12 Pearl, MS <sup>4</sup>

### HANDGUN INSTRUCTOR

Aug 9-13 Castle Rock, CO <sup>1</sup> (public LE only)  
Oct 11-15 Lusby, MD

### TACTICAL HANDGUN INSTRUCTOR

May 10-14 Gulfport, MS  
June 14-18 Pearl, MS <sup>4</sup>  
July 12-16 Allentown, PA  
July 26-30 Vancouver, WA  
Aug 23-27 Modesto, CA  
Sept 20-24 Keene, NH (southwest)  
Oct 4-8 Castle Rock, CO <sup>1</sup> (public LE only)  
Oct 4-8 York, PA  
Oct 11-15 Hattiesburg, MS  
Oct 18-22 Ontario, California  
Nov 1-5 Las Vegas, NV <sup>2</sup> (public LE only)

### TACTICAL SHOTGUN INSTRUCTOR

June 7-11 Carson City, NV  
Aug 23-27 Gulfport, MS  
Sept 13-17 Allentown, PA  
Sept 13-17 Modesto, CA  
Sept 27-Oct 1 Castle Rock, CO <sup>1</sup> (public LE only)  
Oct 18-22 Pittsburgh, PA  
Oct 25-29 Ontario, California

### PATROL RIFLE INSTRUCTOR

May 31-June 4 Louisville, KY  
June 14-18 Gulfport, MS  
July 19-23 Castle Rock, CO <sup>1</sup> (public LE only)  
July 19-23 Reno, NV  
July 26-30 Pittsburgh, PA--**FULL**  
Aug 2-6 Jackson, NJ (public LE only)  
Aug 16-20 Carson City, NV  
Aug 16-20 Castle Rock, CO <sup>1</sup> (public LE only)  
Oct 4-8 Burden, KS (near Wichita)  
Oct 18-22 Evansville, IN  
Oct 18-22 Lusby, MD  
Oct 18-22 Pearl, MS <sup>4</sup>  
Nov 8-12 Panama City, FL  
Nov 15-19 Las Vegas, NV <sup>2</sup> (public LE only)

### PRECISION RIFLE INSTRUCTOR

May 3-7 Pearl, MS <sup>4</sup>  
June 7-11 Canon City, CO  
July 26-30 Jackson, NJ (public LE only)  
Sept 13-17 Castle Rock, CO <sup>1</sup> (public LE only)  
Oct 11-15 Tuscaloosa, AL (public LE only)  
Nov 29-Dec3 Las Vegas, NV <sup>2</sup> (public LE only)

### SELECT-FIRE INSTRUCTOR

June 21-25 Tylersport, PA (southeast)  
July 12-16 Gulfport, MS  
Oct 11-15 Allentown, PA

### To enroll in footnoted Instructor Schools, call:

- <sup>1</sup> Castle Rock, CO - Audra (303) 660-7593  
<sup>2</sup> Las Vegas, NV - Vern Zuleger (702) 229-4291  
<sup>3</sup> Baton Rouge, LA - Charles Baxley (225) 319-2900  
<sup>4</sup> Pearl, MS - Beverly (601) 933-2107

### NRA NATIONAL POLICE SHOOTING CHAMPIONSHIPS

*September 20-23, 2004 · Jackson, Mississippi*

For info, call or email: (703) 267-1635 ·

[amcullough@nrahq.org](mailto:amcullough@nrahq.org)

Website: <http://www.nrahq.org/law/competitions/npsc/npsc.asp>



## 2004 NRA-Hosted Tuition-Free Law Enforcement Armorer & Shooting Schools



Call or email: (703) 267-1640 · LEAD@nrahq.org

To apply online: <http://www.nrahq.org/law/training/armorerschools.asp>

The National Rifle Association's Law Enforcement Activities Division (LEAD), in conjunction with many leading law enforcement firearm manufacturers and premier industry shooting academies, will host the following *TUITION-FREE* armorer/shooting schools this year. The schools are being donated by these companies as a way of "giving back" to our law enforcement officers, as some of the schools would otherwise cost upwards of \$1,000. All tuition-free schools will be held at either the NRA Headquarters in Fairfax, VA, or the Fairfax County Police Firearm Training Facility in Chantilly, VA.

2004 SCHOOL DATES	MANUFACTURER/ COMPANY	TUITION-FREE ARMORER/SHOOTING SCHOOLS	2004 ENTRY DEADLINE
June 2-4	Beretta	92/96/Cougar 8000/1200 & 1201 Shotgun Armorer	April 16
July 12	Glock	Pistol Armorer	May 28
Aug 9-11	SIGArms	"P" Series Pistol/550 Rifle Armorer	June 25
Aug 31-Sept 1	Remington	870/700P Armorer	July 16
Sept 14-16	Ruger	Mini-14/Carbine Armorer	July 30
Sept 29-30	Benelli	S-90 Shotgun Armorer	Aug 13
Oct 11-15	Colt	1911/AR15/M16 Armorer	Aug 27
Oct 26-29	H&K	UMP/G36/USP/P2000 Armorer	Sept 10
Nov 8	Glock	Pistol Armorer	Sept 24
Dec 2	Mossberg	500/590 Shotgun Armorer	Oct 15

Participants in the tuition-free schools are selected by **RANDOM DRAWING**. To enter, applications will **ONLY** be accepted **ONLINE** through our website at:

<http://www.nrahq.org/law/training/armorerschools.asp>.

Only one online entry per person, per school, will be accepted. Application does NOT guarantee a slot. Winning participants will be notified after the deadline by e-mail approximately two months prior to the school. Since we receive a tremendous number of applications, we do not notify non-winners. Although the tuition is complimentary, participants will be responsible for all other expenses. NRA membership is NOT required to attend a tuition-free school. If you are selected and circumstances occur preventing your attendance, notify us immediately so we can make that slot available to someone else. Any questions, please call (703) 267-1640 or e-mail LEAD@nrahq.org.

### Additional Schools:

The following schools are complimentary to 2004 National Police Shooting Championship competitors on a first come, first serve basis. To register, please contact Amanda McCullough at 703-267-1635 or [amccullough@nrahq.org](mailto:amccullough@nrahq.org).

Sept 18	H&K	USP Armorer School
Sept 18	Springfield Armory	Armorer School on all XD's in all calibers
Sept 18	FNH USA	Armorer School on Five-sevenN IOM
Sept 19	Glock	LE Armorer School
Sept 19	Taurus	Armorer School on the PT 24/7
Sept 19	Beretta U.S.A.	Armorer School on the Model 92/96

# BRING A PARTNER PROGRAM

2004 National Police Shooting Championships  
September 20-23, 2004 - Jackson, Mississippi

The Bring a Partner program will be offered again at the 2004 NRA National Police Shooting Championships. Bring a new competitor to the Nationals and not only will you get to fire a match for free, your names will be included in a firearms drawing.

Here are the details:

A new competitor is someone who's never attended the NPSC or has not attended the NPSC in the last three years.

Your new shooter does not have to be from your department.

Your partner **MUST** be declared by Sunday, September 19th to be eligible for this program.

You and your partner must select from one of the following matches at the time of registration:

- Stock Semi-Automatic Pistol Championship
- Off-Duty Sidearm Championship
- Service Revolver Championship

[www.nrahq.org/law](http://www.nrahq.org/law)

Sponsored by



The names of those participating will be automatically included in a drawing. The two winners will each receive the USP45 Semi-Automatic Pistol by Heckler & Koch with a laser provided by Laser Devices, Inc.

The NRA proudly sponsors this premier training event which serves as an accurate indicator of an officer's skill level while practicing the safe use and handling of firearms. Officers, both public and private, novice to experienced, will compete for top honors in individual and team challenges. Donated merchandise and prizes exceeding \$250,000 will be awarded to officers competing at all levels of expertise.

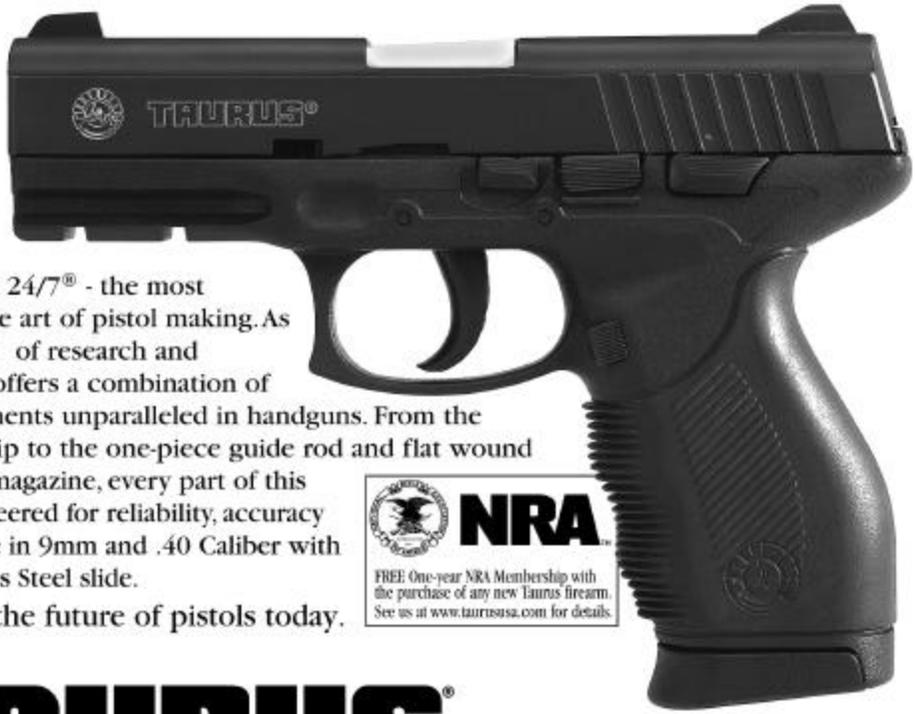
For more information on the National Police Shooting Championships or to request a match program contact [lead@nrahq.org](mailto:lead@nrahq.org) or 703-267-1640.



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Law Enforcement Web site:  
<http://www.nrahq.org/law>

For information on NRA programs or membership, please call (800) NRA-3888

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