



FORCE SCIENCE® INSTITUTE, Ltd.

www.forcescience.org

On behalf of the entire Force Science Institute, I would like to begin by saying that I understand and support the desire of the individual with whom you have had contact to ensure that the training provided to law enforcement officers is of the highest quality available. We, too, share that desire. With that in mind, and with the assurance that our training meets that high standard, we very much look forward to coming to Rochester.

The mission of the Force Science Institute is two-fold.

First, we are dedicated to providing law enforcement professionals with the findings of more than 150 years of highly regarded scientific research in to human factors and human behavior under stress that should be brought to bear during investigations of force events. After discovering that most, if not all, of this critical information – generally buried in academic textbooks and scientific journals – was not being introduced into law enforcement training and investigations, we sought to fill this dangerous void, which threatened law enforcement’s ability to provide the best training possible and to conduct thorough, scientifically-based, fact-finding—and accurate—investigations.

Second, we are fully committed to self-funding and conducted scientifically rigorous, peer-reviewed research into areas of human behavior that have not yet been studied. All of our work is scientifically vetted and completely unbiased. We work with some of the most highly regarded academic institutions in the world and have compiled a stellar team of physicians and Ph.Ds., including psychologists, kinesiologists, physiologists, professors and a wide variety of law enforcement and legal experts with whom we conduct this research and provide subsequent training to a wide range of federal, state, local and international law enforcement agencies.

Because of our groundbreaking work, we have often been asked to provide expert testimony in courts across the country and, in several instances, in other countries. The information we provide is scientifically vetted and void of opinion and judgement. We simply present scientific facts relative to human behavior during high-stress, rapidly unfolding encounters. In many highly intense cases, our testimony has played a critical role in clearing the fog of emotion and confusion surrounding some force events and revealing the scientific truths that help judges and juries better understand and fairly judge officers’ performance under extraordinary stress in generally life-threatening situations.

Because our work is ironclad and scientifically indisputable, it is extremely difficult to counter, which professionally and financially frustrates many plaintiff’s attorneys, including John Burton, who appears to desperately engage in virtually every attack against the Institute. Interestingly enough, Mr. Burton has selectively *used* our work in court when he has found it to be to his advantage. When he finds the scientific information, we present to be detrimental to his case, he vigorously attacks us and our work. As an example, I was called into court as an expert to defend the Department of Justice (DOJ) by the head of litigation for the Western States section of the DOJ. Mr. Burton was suing the agency and inappropriately – and unsuccessfully – trying to use our research to support his efforts. He made similar false allegations against our work in court that he has made in the press. The Federal judge rejected Mr. Burton’s misguided claims – the same claims he has irresponsibly spread whenever given a platform by the media--and the judge found our research to be scientifically sound and fully in line with the scientific standards for admission in Federal Court. I subsequently testified on behalf of the DOJ.

We have had many representatives from the DOJ attend our Certification courses, like the very one we are presenting in Rochester. Our staff for these courses includes two M.D.'s, three Ph.D.'s one attorney and one internationally recognized expert on police training. The attorney from DOJ who had earlier criticized our work in court (it was an attorney and not the Department of Justice) has also attended one of our Certification courses. After I was allowed to testify against him and left the stand, he conferred with me in the witness room. He said referring to his criticism of our work, and I quote, "that was only business out there." He continued by telling me that he felt strongly that we [Force Science] should continue our good work and continue our contributions to increased understanding of the realities of rapidly evolving force encounters.

I have more than a decade of residential course work in nationally accredited universities in Canada and the United States. Over seven years are at the graduate level including a clinical residence for my doctorate at the Behavioral Science unit with Tucson Police Department, under the clinical supervision of Dr. Kevin Gilmartin. At the time, he was one of the top police psychologists in North America and routinely lectured at the FBI academy.

In addition to being attacked by attorneys, we are also attacked and misrepresented by so-called "experts" working for those attorneys. One prominent example is Dr. Lisa Fournier, who runs a classroom, computer-based research lab -- not even a real-world scenario-focused lab--conducting research with mostly young undergraduates. She does not have a law degree and has likely never been in a squad car or in any fashion conducted research with actual law enforcement professionals. She is paid a \$1,000 an hour by those opposing us in court to read our research and try to undermine it. She is a minor player on the editorial board with a publication of the American Psychological Association. When evaluating our work, she makes many errors, even in sworn documents submitted to the court. For instance, she has alleged that specific information is lacking in one of our articles when in fact, it is obviously present. She criticized an article which, oddly, she inaccurately attributed to us but we did not author. She alleges that certain statistical or experimental procedures that are completely superfluous and unnecessary should be included in our research and is not. This avoidance of these expensive and completely unnecessary procedures is by design and would surely be understood by an unbiased scientist. Interestingly, in an examination of her *own* work, we have found that the same type of procedures and analysis has been absent when working on projects with similar research design as the ones she is criticizing. Stunningly, she has reviewed trade magazine articles, such as quoted in the letter submitted to you, and critiqued them as though they were actual peer-reviewed scientific journal articles. She has then slandered our competency based on her inappropriate analysis of those magazine articles. This is unprofessional and unethical at the very least.

Of course, we write magazine articles, but our work has also been accepted for publication in some of the most highly regarded peer reviewed scholarly journals such as:

The American Psychological Association's, Law and Human Behavior
Psychological Science (the highest rated journal in the world in psychology)
Journal of Applied Ergonomics (highest rated journal in ergonomics in the world)
International Journal of Exercise Science
Human Movement Science
Police Quarterly
Investigative Sciences Journal
Police Practice and Research
Law Enforcement Executive Forum
Journal for the Association for Crime Scene Reconstruction
International Journal of Police Science and Management
Journal of Police and Criminal Psychology.

We have also presented our research at many international peer-reviewed conferences including those conducted by the American Psychological Association and also at two International Medical Conferences in the United Kingdom where we were invited to present keynote speeches on our research on decision making.

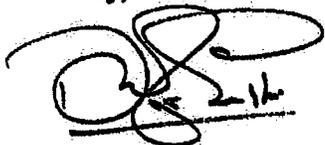
Finally, one of the most prominent attacks against us came by way of an article in the New York Times. This shockingly irresponsible, heavily biased and highly unprofessional piece was authored Mr. Matt Apuzzo. Very shortly after publishing his piece against us, Apuzzo was the subject of nationally publicized federal scrutiny because of his inaccurate and unprofessional reporting in two major stories involving top government officials and agencies. The claims of inaccuracy and irresponsibility these entities leveled against Apuzzo directly mirrored our claims. Even top New York Times management agreed that Apuzzo and his irresponsible work were to be strongly criticized. A full rebuttal of Apuzzo's piece, which we have heavily disseminated, is immediately available to anyone requesting it.

In conclusion, it is to be noted that I was personally selected to participate in the President's Commission on 21st Century Policing. I, along with members of the Force Science team, have presented our research either to members of, or directly to, virtually every major law enforcement agency in the U.S. and Canada as well as several military agencies. We worked closely with special teams protecting royalty during the recent London Olympics. I have twice been invited to present our findings to the General Counsel (top attorneys) of the Department of Homeland Security. I have presented twice before select committees within the House of Commons and House of Lords in the United Kingdom and I have been accepted to testify on our research in courts across the United States, the United Kingdom, Canada, and Australia.

The fact that Force Science is held in such high esteem by so many law enforcement professionals, agencies and courts and the increasingly heavy demand for our research and our training, stands testimony to the fact -- that regardless of the inflammatory, often slanderous claims that have been made against us -- it has not clouded the credibility and importance of our work and our efforts.

If you need any further information, please call, I would be happy to provide it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Lewinski', with a horizontal line underneath.

**Dr. Bill Lewinski
Force Science Institute**



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Setting the Record Straight: *Force Science and Lewinski*

Through a highly distorted article appearing on Page 1 of the *New York Times*, the Force Science Institute and its research and training services for law enforcement, have come under an unjustified attack.

In an era when law enforcement is increasingly under siege, we have strongly advocated that agencies boldly work to counter misinformation and convey the truth to their constituencies. Now it is time for us to do the same.

Just as the facts of high-profile police shootings in recent months have often been grossly misrepresented in media reports by innuendo, exaggeration, ignorance, omission, and outright untruths, the *Times* article raises controversy about FSI, its mission, its methods, and its leadership that demands vigorous confrontation and correction.

The *Times* article ran online and in national print editions on Sunday, Aug. 2. Its theme was set at the outset by an alarming—and wildly misleading—headline.

Here are just a few elements of the *Times*' egregious "spin" that cast FSI and its executive director, Dr. Bill Lewinski, in a deplorably false light.

GROSS DISTORTION. The tone-setting headline on the online story read: "Training Officers to Shoot First, and He Will Answer Questions Later." In the print edition, that was trimmed down to: "Shoot First, and He'll Answer Questions." The clear implication is that FSI and its director encourage an uncaring shoot-from-the-hip approach to the police use of deadly force that can be whitewashed later with excuses we supply. In short, we can make any police shooting look justified.

FACT. This is bunk. It is not our mission nor our practice to provide *justification* for any use of force. Our goal is to identify, understand, and communicate the human dynamics of force encounters that may impact an officer's perception, decision-making, and response. Justification is for the courts and other review bodies to determine.

We have never, in our teaching or testimony, spoken in terms of justification. To suggest otherwise is pure fabrication.

Our efforts are not centered solely on one individual, as the article suggests with its focus on Lewinski. We are a *team*, involving some of the most reputable, respected and skilled

attorneys, physicians, psychologists, behavioral scientists, researchers, authors and law enforcement leaders in the world.

Yes, our research is tailored to a law enforcement audience. Others are free to use it as well, however it may apply outside that realm. In fact, we post our research findings and a large library of articles on our Web site and make them available to anyone free of charge. Serving a specific, specialized audience does not equate with corrupted methods.

ERRONEOUS ASSERTION: The *Times* stated: "The Justice Department denounced [Lewinski's] findings as 'lacking in both foundation and reliability.'" No documentation or further explanation was offered.

FACT: Actually, this assertion was advanced not by "the Justice Department" in any kind of official statement but by a *single federal prosecutor* during a proceeding to establish whether Lewinski was qualified to testify against the government as an expert witness in a criminal case in Washington State.

The presiding judge found *no merit* in the prosecutor's assertion and readily approved Lewinski as a qualified expert.

In a later conversation outside the courtroom, the prosecutor told Lewinski that he hoped there were no hard feelings about his questioning and that he was "just doing my job" with his challenging comments. Unofficially, he commended Lewinski's work "for the police profession" and urged him to "keep it up."

Lewinski's subsequent testimony in the case concerned human performance factors that may have been involved in certain inconsistencies between an officer's statement and a video recording in a use-of-force event.

To date, Lewinski has testified in approximately 75 criminal or civil cases in federal and state courts throughout the United States, approved each time as a qualified expert despite vigorous efforts by opposing attorneys to disqualify him.

FLAWED OPINION: The *Times* quoted Lisa Fournier, a "contributing" editor for the *American Journal of Psychology*, as having opined that Lewinski's studies "lacked basic elements of legitimate research," "drew conclusions that were unsupported by the data," and were "invalid and unreliable."

FACT: Fournier's comments, appearing in a sworn affidavit, after a plaintiff's attorney and the same federal prosecutor mentioned above provided her with summaries of some of Lewinski's studies that appeared in a police magazine and an email newsletter intended for a lay audience.

Fournier inappropriately applied the standards of an academic publication to these accounts and saw that they did not match the rigor of academic standards, which was not their intent nor purpose. From that, she extrapolated that the standard of Lewinski's core research was itself lacking—a leap that Lewinski characterizes as "unethical, plain wrong, and misleading to the court."

In one instance, commenting on a journal article on a Force Science study, Fournier alleged that certain critical information regarding study results was not included in the findings. That information *was* included, but at the end of the article, suggesting that Fournier did not read through to the finish.

Recently, Fournier's flawed quotations from the *New York Times* were used to challenge Lewinski's qualification as an expert witness in a police shooting case in New Mexico. The judge dismissed her assertions in accepting Lewinski's scientific background as qualifying him to testify.

Lewinski's studies involve the application of solid, well-established scientific principles of biology, physiology, ergonomics and psychology to the dynamics of use-of-force encounters.

Since the founding of the Force Science Institute, his methodologies and findings have been accepted for publication multiple times by 11 peer-reviewed scientific academic journals and Lewinski himself has been asked to serve as a reviewer for five scholarly journals.

SIGNIFICANT OMISSION: A source the *Times* quotes prominently with disparaging remarks about Lewinski's work (example: "People die because of this stuff") is John Burton, a California lawyer who specializes in police misconduct cases. The *Times* fails to present the context for Burton's critical remarks.

FACT: Lewinski has faced Burton in court on several occasions. When Burton, or other attorneys representing plaintiffs, have lost cases in which Lewinski has testified they have also lost considerable money because of the contingency-fee basis on which such cases are typically pursued.

The *Times* article does not mention this, nor does it reference the fact that Lewinski has been accepted as a qualified expert witness over Burton's objections and the fact that Burton has used Lisa Fournier and her mischaracterization of Lewinski's research (see above) in case preparation.

If Burton and other opposition lawyers can stir doubt about Lewinski's work and credibility outside of court, they then can use media accounts that convey that doubt inside the courtroom in an effort to influence judges and juries. In the short time since the *Times* article was published, quotes from it already have been used in an effort to counter Lewinski's police-related testimony. Despite this attempt, courts have confirmed Lewinski's expertise and credibility and allowed him to testify.

MISLEADING INNUENDO: The *Times* quotes a respected researcher, who is closely associated with a scientific concept that Lewinski has applied to certain law enforcement situations, as saying: "I hate the fact that it's being used in this way." The concept is "inattentional blindness," which Lewinski teaches can sometimes affect an officer's memory of critical factors in a shooting. The researcher fears that the concept can be

misused by dishonest cops to lie their way out of culpability. The strong implication from the article is that Lewinski is bastardizing the concept to aid unscrupulous officers.

FACT: This researcher, Lewinski says, “does not apply her research to real-world situations. She restricts herself to laboratory work only. Following her line of thinking, not a single piece of psychological research should ever be used in the real world because someone might use that information untruthfully. That, of course, is ridiculous.”

After the *Times* article appeared, a police instructor who has graduated from Force Science training emailed the researcher with concern about her quote because he uses the “intentional blindness” concept in his own teaching. He described to her two detailed real-life scenarios where the phenomenon might occur, according to Lewinski’s instruction.

She replied back: “I am afraid the situations you describe are far too complicated for me to comment on intelligently.”

UNINFORMED ASSESSMENT: The *Times* article claims that Lewinski’s training, “in both substance and tone,” conflicts with training “now recommended by police organizations.” It quotes the director of the Police Executive Research Forum, “a group that counts most major city police chiefs as members,” as being “troubled by Dr. Lewinski’s teachings.”

FACT: A search of the Force Science Institute database fails to find any evidence that PERF director Chuck Wexler or another other person identifying him/herself as a PERF representative has even attended any Force Science training.

If Wexler was indeed quoted correctly, perhaps he does not understand the purpose or methods of our research or how our findings are being used to improve academy and in-service training and judgment in the field.

PERF, we believe, tries to move law enforcement in the right direction through policy. We strive for improving it through research and training based on scientific principles.

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