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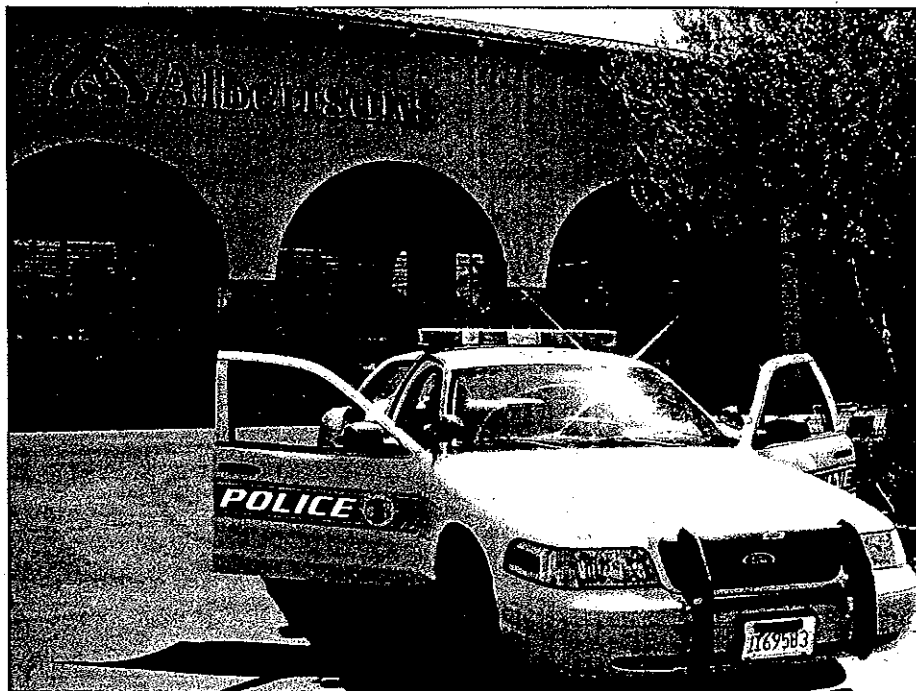


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2004 NTOA Conference  
Orlando, Florida  
Tactical SCBA Training

# Albertsons homicide: An active shooter response

By Jeff Noble



On Aug. 1, 1966, Charles Whitman climbed the University of Texas clock tower and began randomly shooting at people on the street below. During the next 96 minutes, Whitman killed 14 people and wounded dozens more. The following day, Austin Police Chief Robert Miles acknowledged that the police had no specific plan for the resolution of a sniper incident. Chief Miles added that the solution to these types of incidents depended on some independent action of the responding officers.

During the Texas tower incident, the independent actions consisted mostly of uncoordinated handgun and rifle fire that had little effect other than to chip away at the tower. Some officers commandeered armored cars to rescue the wounded. Others commandeered an airplane that allowed the officers to shoot down at Whitman, but the plane was quickly driven back by Whitman's gunfire. Finally, several officers were able to access the tower

through a system of tunnels. After climbing 30 flights of stairs, the officers confronted Whitman, who was killed in an ensuing gun battle.

Although the Austin police officers stopped Whitman, their improvised efforts were uncoordinated, depended on a large amount of luck and took more than 90 minutes. Although the independent actions of the officers resolved the incident, police departments across the nation recognized the need for a better response to critical incidents of this magnitude. The Texas tower incident and the Watts riots, which happened a year earlier, were the impetus for the formation of special teams of police officers equipped and trained to deal with these types of dangerous and unusual criminal incidents.

Known by various names and acronyms, tactical teams have proliferated since the Texas tower incident. SWAT teams bring the advantages of special

weapons, training and tactics to deal with the bizarre and violent behavior that we witness all too frequently. Although SWAT teams offer significant advantages, they also have limitations. SWAT teams need time. Most SWAT teams throughout the country are part-time teams that respond to emergency situations by pager activations. Depending on the time and day of the week, it may take up to an hour before team members are operationally ready for field deployment. Even the few full-time teams need time. Time to arrive, time to deploy and time to react. Sometimes there just isn't enough time.

### Changing the police response

Just as the Texas tower incident and the Watts riots of the 1960s were the impetus for the formation of SWAT teams, events in the 1990s dramatically changed the police response for tactical dynamic reactive incidents. North Hollywood, California; Littleton, Colorado; Jonesboro, Arkansas; and Atlanta, Georgia; all shared a common tragic experience in which individuals exhibited aberrant human behavior that resulted in the ongoing random shooting of unarmed citizens. The shootings continued until there were no further possible victims or due to some "independent" act of courage by a uniformed police officer. These cities have now shared their experience with San Ysidro, California; Fayetteville, Tennessee; Pearl, Mississippi; Edinboro, Pennsylvania; Granada Hills, California; and the list continues to grow.

As a result of these incidents, law enforcement officials recognized that the traditional tactics of containment, negotiation and activation of SWAT teams were ineffective in these types of events. Learning from their collective experience, law enforcement trainers developed an "active shooter" rapid response technique where

those first responders – the uniformed police officers – can and must take that immediate independent action to resolve tactical dynamic life-threatening situations. This is the type of training that police departments give to their officers recognizing the need, but hoping that such an incident will never occur in their jurisdictions. On June 29, 2003, officers of the Irvine Police Department in California had to respond to just such an incident.

## The suspect

Joseph Parker grew up in Dinwiddle County, Virginia. Parker was one of two children raised by his mother after his father had abandoned the family. When Parker was 11, he told his mother that he had been molested for several years. Parker received counseling, and his mother believed that aside from the molestation he had a normal childhood. After graduating from high school, Parker held a variety of jobs – as a forklift mechanic, bartender, locksmith and even volunteer firefighter.

In 1997, Parker moved to California and began to have flashbacks of his childhood trauma after meeting a co-worker that resembled his abuser. Over the next few years, Parker was committed on several occasions as a danger to himself and to others. Parker was hearing voices in his head and was diagnosed as schizophrenic.

In Sept. 2002, Parker was employed by a local Albertsons supermarket as a courtesy clerk. Many of Parker's co-workers described him as quiet and added that he frequently mumbled to himself. None of Parker's co-workers believed him to be violent, and there were no known problems or confrontations with other employees. In fact, Parker had no history of being involved in acts of violence.

During the last year of his life, Parker began to take medication to stabilize his condition. Officers later discovered two bottles of prescription medication: Depakote, for manic depression, and Clonazepam, a medication in the Valium class of drugs used to combat anxiety in patients with schizophrenia. A full bottle

containing Risperdal, a drug used to treat schizophrenia, was later found by police in a trashcan inside Parker's home.

## The crime

On Sunday morning, June 29, 2003, Parker went to the Albertsons supermarket where he was employed and spoke with his supervisor Tony Fitzgerald. Parker had been absent from work for more than a week, and during that time Parker had never called his employer to explain his absence. Parker told Fitzgerald that he had been depressed over the recent death of a friend. Fitzgerald tried to console Parker and told him to call work if he was going to be absent again. Parker was dressed in a black trench coat, blue jeans and a green beret style hat. Although this dress was unusual for a warm day, it was customary for Parker as he often wore the trench coat when arriving and leaving work.

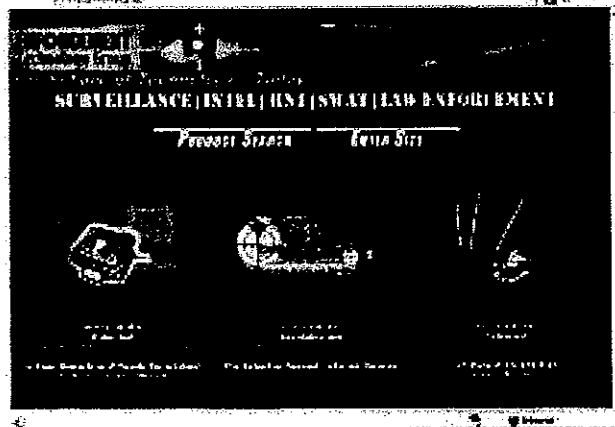
After speaking with Fitzgerald, Parker went to a check stand and purchased a bottle of juice. The cashier asked Parker if he

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was okay and Parker replied that he was. These were the last words Parker ever spoke. He never uttered a word during the rampage that would soon occur.

After purchasing the juice, Parker walked out of the store only to return 15 minutes later. At 9:35 a.m. Parker approached his co-worker, Judy Fleming, who was stocking items in the northwest corner of the store. Parker removed a samurai-style sword from underneath his trench coat and without warning stabbed Fleming in the back. Fleming screamed and Parker immediately swung the sword, striking Fleming in her throat, nearly decapitating her. Fleming fell to the ground fatally wounded.

Eva Marez, an Albertsons employee, was stocking items on an adjacent aisle when she heard Fleming scream. Marez ran to Fleming's aid and was confronted by Parker. Parker swung the sword at Marez, striking her on her left hand. Marez began to run away and as she fled, Parker followed her, swinging the sword wildly over his head.

Parker chased Marez toward the front of the store where he encountered two Albertsons customers, Belinda and Thomas Peters. Parker raised his sword to strike Thomas, and Thomas elevated his hands trying to defend himself while allowing Belinda to flee from the store. Parker struck Thomas with the sword, severely cutting both of his hands. Thomas turned and tried to run, but Parker pursued him striking him again with the sword, cutting the back of his head and shoulders. Thomas was able to escape from Parker and hid in the store for a brief period of time. Thomas eventually was able to exit the store and seek help from other customers.

Another store customer, Ryan Flanagan, had seen Parker swinging the sword and chasing Marez. Flanagan also saw Fleming lying on the ground in a pool of blood. He raced to Fleming's aid as his wife fled from the store with their young son. Flanagan tried to help Fleming, but she had been fatally wounded. As Flanagan's attention was on Fleming, Parker had stopped chasing Thomas Peters and returned to the aisle where he had killed Fleming. Parker suddenly appeared in front of Flanagan, and as Parker swung his sword, Flanagan raised his arms in defense. Parker struck Flanagan in the arm, slicing it open. Flanagan was able to escape from Parker by running outside the store.

After Flanagan fled, Parker returned to the front of the store where he encountered the store manager, John Nutting. Parker continued his attack swinging the sword at Nutting, striking Nutting in both hands. Nutting tried to escape, but Parker stabbed him in the chest, puncturing his heart. Nutting collapsed to the ground and died from his wounds within seconds.

Tony Fitzgerald, the assistant store manager who had tried to console Parker earlier, saw Parker stab and mortally wound Nutting at the front of the store. Fitzgerald called to Parker, asking Parker to follow him to the rear of the store so they could talk. Fitzgerald got Parker's attention, and Parker began to follow Fitzgerald to the rear of the store. This act of courage distracted Parker from the front of the store, allowing many other employees and customers to escape out of the store's front doors into the parking lot.

Fitzgerald tried to reason with Parker, but Parker never uttered a word. Parker began to swing the sword at Fitzgerald, who was able to elude Parker by running around a 3-foot high and 10-foot long refrigerator basin that was located in an aisle at the rear of the store.

As Fitzgerald dodged Parker's continuous attacks, several customers armed themselves with metal trashcan lids as shields and barbecue utensils as weapons. The customers threw jars of mayonnaise at Parker trying to distract him to help Fitzgerald escape. Parker was undaunted by the customer's acts of bravery and continued to chase Fitzgerald around the refrigerator basin. Fitzgerald was able to fend off Parker for six minutes before the responding police officers confronted Parker.

### **The responding officers**

At 9:36 a.m. the Irvine Police Department received the first of numerous 9-1-1 cellular phone calls. All of the callers were frantically screaming information to the dispatchers about Parker's attack. Because the callers were using cellular phones, it was not immediately clear at which of Irvine's Albertsons the callers were located. The information was so muddled that the initial dispatch was that there were "shots fired" inside the store.

Officer Traci Fisher arrived less than three minutes after the first dispatch, Officer David Tran arrived one minute later

and Officer Mike Fender arrived quickly after Officer Tran. Officer Fender is a SWAT team member, and on that morning he was driving one of the department's Primary Response Officer "PRO" marked units. These units are specially equipped with heavy entry vests, smoke grenades, light-noise diversion devices, ballistic shields and carbine rifles. Officer Fender armed himself with a carbine rifle and ran to join Officer Fischer and Officer Tran who were approaching the front doors of the store.

A chaotic scene immediately confronted the officers. Eva Marez, Thomas Peters and Ryan Flanagan were all just outside the store, and they suffered serious injuries requiring emergency medical attention. Family members, customers and employees were caring for the injured. When they saw Officer Fischer, they began yelling at her to help the injured people outside the store, that there were additional injured people inside the store, and that Parker was still inside the store armed with a sword.

A customer told Officer Tran that Parker had slit a woman's throat and that Parker was still inside the store trying to attack others. Officer Tran, a School Resource Officer (SRO) who was working an overtime shift that morning, later said that he knew what he had to do because he had attended a department-sponsored active shooter course. As an SRO, Officer Tran was very aware of many of the active shooter incidents at different schools across the nation. Officer Tran said that he knew he had to make entry into the store to engage Parker before Parker could kill or injure anyone else. Without hesitation all of the officers made entry simultaneously. Officer Tran entered through the west entrance and Officer Fischer and Officer Fender entered through the east.

The officers entered the store at 9:42 a.m. — six minutes after the first 9-1-1 cell phone call was received and only three minutes after the first officer arrived. There was no time for discussion between the officers, no time to make a plan, no time to wait for the sergeants that were racing Code-3 to the scene, and no time for a SWAT response. There was only enough time for the independent actions of three courageous officers to try to prevent any further deaths or injuries.

As the officers entered the store, the few remaining customers and employees direct-

ed the officers toward Parker who was still at the rear of the store. All three officers aggressively advanced down an aisle toward Parker. Officer Tran saw Parker at the end of the aisle and saw that Parker was still holding the sword. Officer Tran ordered Parker to drop the sword, but Parker stepped to the side around an aisle end cap and out of the officer's view. It appeared that Parker was going to try to flee from the officers, so Officer Fischer and Officer Tran ran to the adjacent aisle and began to run up that aisle in an attempt to cut Parker off.

Instead of moving onto the adjacent aisle, Parker hid momentarily behind the end cap. As Officer Fischer and Officer Tran raced up the adjacent aisle, Parker moved back and was confronted by Officer Fender who had held his position. Officer Fender ordered Parker to drop the sword, but instead Parker raised the sword in a threatening manner. Officer Fender fired his rifle at Parker, striking him with a single round in the chest. Parker fell to the ground, releasing his grip on the sword, allowing

Officer Tran to approach Parker and handcuff him. Officer Fischer advised dispatch of the officer-involved shooting at 9:44 a.m. — eight minutes after the first 9-1-1 call and only five minutes after the officers arrived at the scene. The independent actions of these officers brought resolution to a violent and deadly incident that was still under way. Without their actions, more innocent victims might have been killed or received serious injuries.

### Active shooter response

Perhaps the most common link to all of the active shooter situations that have occurred over the last few years is that these crimes have been committed in places where we have a feeling of safety and security. The Albertsons grocery store was only a few years old, and it was located in an upper middle class community in the City of Irvine, a city that frequently places in the top ten for America's safest cities. Such incidents happen in our homes, in our schools

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and in our places of business. These events happen where we don't expect them, where nothing has ever happened before and where nothing will be the same afterwards.

Perhaps the key in dealing with an active shooter is to have an understanding that these crimes can happen anywhere, at any time, in any community. Preparation begins with a mindset, the willingness to accept that horrendous crimes can and do occur. While it is true that no amount of perfect planning can prevent random violence, it is also true that planning and training can aid those first responding officers to exercise good judgment and good tactics as they engage in independent actions to save lives, prevent injuries and resolve dynamic tactical situations.

As commanders, leaders, supervisors and trainers, it is our responsibility to prepare all of our officers for such a situation. That preparation should take the form of training, and the training must be supported by providing the proper tools for the first responder to allow those officers to engage in the independent actions that are necessary.

Chiefs of police should be looking at their organization to evaluate whether they have appropriately prepared their officers to take those independent actions that will offer the best opportunity to resolve these types of dynamic tactical situations. Have the officers been given training to help them immediately assess these types of situations? Have the officers been presented with strategies that would increase the potential effectiveness of any action that they may take? Do the officers know when to actively pursue and engage the suspect and when to contain, evacuate and negotiate? Have the officers been provided with the tools that would make their actions more effective (carbine rifles, shields or smoke) and the corresponding training to effectively deploy those tools?

These are difficult problems that present difficult solutions. Law enforcement executives must recognize that the independent actions of the first responding officers have resolved dynamic tactical incidents in the past, and they must understand that these same independent actions are likely to be the best intervention strategy in the future. Based on this understanding, law enforcement executives must work diligently to prepare their officers for an incident that we all hope will never occur. ◀

## About the author



Commander Jeff Noble is a 20-year veteran of the Irvine Police Department and was a SWAT team leader for seven years. He holds a bachelor's degree from California State

University at Long Beach and a J.D. from Western State University College of Law.

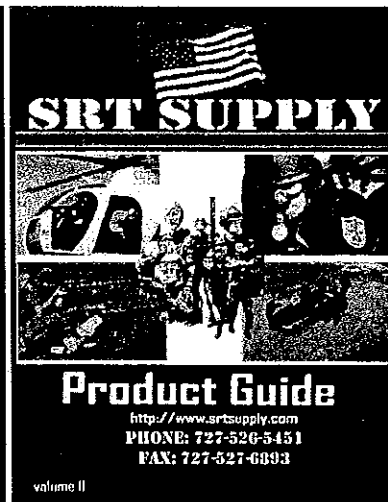
Noble has written numerous articles for various law enforcement journals on SWAT and police administrative issues.

Commander Noble would like to dedicate this article to every police officer that made the right decision, at the right time, for the right reasons and specifically to Officer Fender, Officer Fischer and Officer Tran for their collective courage during this traumatic event.



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