

THOMAS J. MARTINELLI, J.D., M.S.
Police Attorney/Ethicist
(313) 657-2085

Educational Background

- 1999 Michigan State University Graduate Studies Program
Criminal Justice-Police Ethical Issues, Received Masters Degree
- 1999- Southwestern Law Enforcement Institute, Center for Law Enforcement
Ethics, graduate of the Ethics-Train the Trainer Course, Richardson,
Texas, with an annual return for updated materials
- 1995- Ethical Awareness Study/Seminar in Great Britain, London Met, Scotland Yard,
Stafford Police Staff College, Cambridge Police, Bramshill Police Staff College, through
Michigan State University
- 1989 Juris Doctor, Michigan State University Law School, Admission to the Michigan State
Bar
- 1983 Bachelor of Arts, History, minor-Criminal Justice, Michigan State University
- 1981 Overseas studies, Kings College, Cambridge University, England

EMPLOYMENT BACKGROUND

November, 2007 to present, independent training consultant for The Institute for Intergovernmental Research, Tallahassee, Florida, in conjunction with the Bureau of Justice Assistance, addressing legal issues, risk management and liability training, Fusion Center Training pertaining to Intelligence Products, legal and ethical concerns in drafting, gathering, retention and dissemination, as well as presenting constitutional issues for Rural Law Enforcement Training Conferences, around the country. Currently on I.I.R. training teams for the Intelligence Commander's Course, Criminal Intelligence Sharing, Protecting Privacy, Civil Rights and Civil Liberties, (Privacy 101), and the Narcotics Management Training, San Juan, Puerto Rico.

July, 2008 to December, 2011, independent training consultant for The Michigan State Toolbox Intelligence Program, School of

Criminal Justice, East Lansing, MI, addressing Constitutional issues pertaining to Intelligence Led Policing and the legal and ethical ramifications associated with the Intelligence process, privacy rights, civil rights and civil liberties and 28 CFR, Part 23 implementation.

August 2005 to December 2006, adjunct professor (full time) for Ferris State University's extended learning program in southeastern Michigan, at Macomb Community College, emphasis on Criminal Justice Ethics and other related policing courses, Police in Society, Current Issues, as well as advising and recruiting

August, 2004- May 2005, Ethics and Liability trainer for 500 middle managers of the Detroit Police Department as part of a grant from the COPS, *Creating a Culture of Integrity* Program, addressing issues of Noble Cause Corruption, Interpersonal Communications, Early Warning Systems, Discipline and Police Professionalism, as part of the Federal Consent Decree mandate pertaining to Use of Force and Prisoner Cellblock issues

2001 to 2014, Adjunct Professor, Wayne State University, Criminal Justice Department, Introduction to Criminal Justice, CRJ 2000 (40+ students), Security and Loss Prevention, CRJ 3510 (elective), Politics in the Criminal Justice System, CRJ 3120 (40+ students)

2001 August, Testified as an expert witness in a federal civil rights case, in Federal Court, regarding private policing issues, security policing, deliberate indifference, use of force, ethics and liability training

June, 2001 Police Legal Ethics Awareness Training, P.L.E.A.T. Program, Flagstaff, Arizona, Arizona Game and Fish Department, approximately 180 sworn officers for the State of Arizona attended a one week training seminar addressing ethics and liability issues in policing

June, 2001 Retained, and testified in a civil trial, as an expert witness in a Police Misconduct case in Federal District Court, Eastern Division, regarding Constitutional Rights Deprivations, providing deposition testimony and video recorded testimony used at the actual trial, addressed use of force issues, break down in departmental policies and procedures, failure to train, failure to supervise, failure to seek prompt medical attention

January, 1998 to September, 1999: Police Officer, Detroit Police Department, Legal Affairs Division, Department Advocate, Police Legal Ethics Trainer, Field Training Officer Program, Risk Management Task Force, offered seminar topics related to police legal ethics, police liability and relevant caselaw/trial board issues, along with Risk Management/Ethics training at the academy level, O.C.S. training for newly promoted

supervisors, in-service training at the precinct level, editor of police column for the Personnel Director's newsletter

1989 to 2015: Self-employed Attorney, Probate/Estate Planning issues, Elder Law issues, Criminal-Indigent Appointment services, Guardian Ad Litem list Macomb County Probate Court, Court Appointed Attorney List for the MCPC, previously on the Mental Docket list, both MCPC and Wayne County Probate Court

1986-91: Detroit Police Department, Public Information Section, patrol duties, qualified as Sharp Shooter, alternate union steward, Officer of the Month, June, 1987, 9th precinct

PRESENTATIONS/PUBLICATIONS TO DATE

Paper presented, October, 1995, Midwest Regional Criminal Justice Conference Annual Meeting, Chicago, Illinois, *Policy Ramifications of Regulating Off-Duty Police Behavior.*

Paper presented, March, 1996, Academy of Criminal Justice Sciences Annual Meeting, Las Vegas, Nevada, *Avoiding the Groupthink Syndrome in Policing.*

Two papers presented, March, 1997, Academy of Criminal Justice Sciences Annual Meeting, Louisville, Kentucky, *Police Stressors and Ethical Behavior* and *Lord of the Flies, A Tool For the Trainee's Trainer.*

Paper presented, March, 1998, Academy of Criminal Justice Sciences Annual Meeting, Albuquerque, N.M., *Court of Appeals Perspectives on Police Pursuits.*

Comparative paper on British Police Philosophies and American Police Philosophies, completed December, 1999, as part of a research project at Michigan State University.

Paper presented, March, 2000, Academy of Criminal Justice Sciences Annual Meeting, New Orleans, Louisiana, Policy Paper, May, 1999, *Critical Trends in Policing Regarding Officer Unethical Behavior That Demand Law Enforcement Agencies Implement an Aggressive, Organization-wide Police Legal Ethics Awareness Training Program From A Risk Management Perspective.*

Paper presented, October, 2000, Midwest Criminal Justice Association Conference, Chicago, Illinois, *Arbitrating the Code of Ethics in Police Misconduct Cases.*

Paper presented, October, 2001 Midwest Criminal Justice Association Conference, Chicago, Illinois, *Training in the Ethics of Racial Profiling.*

Paper presented, October, 2001 Midwest Criminal Justice Association Conference, Chicago, Illinois, *The Crisis in Private Security: Who is Policing the Security Police?*

Paper presented, October, 2002, Midwest Criminal Justice Association Conference, Chicago, Illinois, *Combating Deliberate Indifference Charges in Private Policing*

Panelist, Police Ethics Training Issues, Roundtable Segment, March, 2003, Boston, Academy Criminal Justice Sciences Conference.

Presentation, October, 2003, Midwest Criminal Justice Association Conference, Chicago, Illinois, *Police Ethics Training: A Look at the Challenges Confronting Ethics Trainers in Light of the Lawrence v. Texas Case*; this paper addressed the Supreme Court case dealing with anti-sodomy laws and how this ruling related to police ethics training issues.

Presentation, October, 2004, Midwest Criminal Justice Association Conference, Chicago, Illinois, *Redefining Police Use of Force Ethics From a Risk Management Perspective*; this paper addressed the Supreme Court dissent in Tennessee v. Garner, in analyzing police situations that escalate to the level of fatal force, at the fault of the officers involved and the costly decisions made regarding unethical officer behavior.

Presentation, March, 2005, Academy of Criminal Justice Sciences Annual Meeting, Chicago, Illinois, *Managing Misconduct: Supervisor Perceptions of Peer & Subordinate Integrity*, a study that addressed supervisory perceptions of their own department's philosophies regarding ethics, integrity and discipline.

Presentation, October, 2005, Midwest Criminal Justice Association Conference, Chicago, Illinois, *Perceptions of Organizational Misconduct and Unethical Behavior*, a follow-up study of qualitative interviews with middle managers attending a training seminar on Ethics and Integrity issues.

Presentation, March, 2006, Academy of Criminal Justice Sciences Annual Meeting, Baltimore, Maryland, *A Comprehensive Look at Federal Intervention Measures Used to Address Police Misconduct Issues*, research conclusions drawn from qualitative interviews and observations regarding the DOJ Consent Decrees and the realities, or lack thereof, associated with the aftermath of federal intervention measures.

Presentation, September, 2006, Midwest Criminal Justice Association Conference, Chicago, Illinois, *Ethical Challenges re: The Knock and Announce Ruling, Hudson v. Michigan*, an analysis of the recent Supreme Court ruling as it relates to police ethics trainers, Internal Affairs investigations and civil liability.

Presentation, March, 2007, Academy of Criminal Justice Sciences Annual Meeting, Seattle, Wash., *Police Crimes, Noble Cause Corruption and Constitutional Policing*, an analysis of the

gray areas of policing techniques and supervisory issues from a training perspective for risk management purposes.

Presentation, September, 2007, Midwest Criminal Justice Association Conference, Chicago, Illinois, *Police Supervisor Perceptions of Supervisory Integrity: Foundations for Success or Failure?*, a follow-up research project that analyzed the perceptions of police supervisors regarding the progress of their agency's efforts to instill a culture of integrity, within, while under a consent decree.

Presentation, September, 2008, Midwest Criminal Justice Association Conference, Chicago, Illinois, *Intelligence Led-Policing: The Legal and Ethical Challenges*, a research project co-authored with David L. Carter, Ph.D, that addressed the challenges associated with balancing individual citizen privacy rights with society's right to be free from terrorism, including a discussion of 28 C.F.R. Part 23.

Presentation, September, 2008, Midwest Criminal Justice Association Conference, Chicago, Illinois, *A Constitutional Look at Privacy Issues in Policing, From Katz to Kyllo to Intelligence Led Policing*: a guide for police trainers using U.S. Supreme Court cases to revisit the evolution of privacy guidelines for law enforcement, post 9-11.

Presentation, March, 2009, Academy of Criminal Justice Sciences Annual Meeting, Boston, Mass., *Ethical Intelligence Led-Policing, Leave the Vegan Nuns Alone!*, a caselaw analysis of risk management issues in I.L.P.

Presentation, September, 2009, Midwest Criminal Justice Association Conference, Chicago, Illinois, *The Fears of Intelligence Led Policing: Transparency and Accountability Are The Keys to Success*, addressing historical law enforcement abuses and the contemporary challenges facing the ILP environment, co-authored with Joseph A. Schafer, Ph.D., University Southern Illinois, Carbondale.

Presentation, February, 2010, Academy of Criminal Justice Sciences Annual Meeting, San Diego, Calif., *Noble Cause Corruption and the Intelligence Unit Supervisor*, addressing the unique challenges for supervisors in balancing the need to protect target citizen's privacy rights with the law enforcement duty to counter terrorist acts.

Presentation, September, 2010, Midwest Criminal Justice Association Conference, Chicago, Illinois, *Policing Privacy: Ethics Training That Surpasses the "Free Cup of Coffee", Scenarios*, a research project addressing advanced policing privacy issues in the field and in the courtroom.

Presentation, March, 2011, Academy of Criminal Justice Sciences Annual Meeting, Toronto, Ontario, Canada, *Advanced Police Ethics Training, Reducing Risk by Reducing Internal Litigation*, a paper using caselaw and the *Quon* case addressing policy non-compliance, mixed messages and organizational liability.

Presentation, September, 2011, Midwest Criminal Justice Association Conference, Chicago, Illinois, *Intelligence Led Policing, Analysts as the Final Arbiters in the Ethics of the Intelligence Process*, a research paper that discusses the nuances, tensions and value Intelligence Analysts bring to the Fusion Centers around the country and the examples they set for all Law Enforcement in seeing the comprehensive picture.

Presentation, September, 2012, Midwest Criminal Justice Association Conference, Chicago, Illinois, *Ethical Defensibility, Putting Police Ethics on Trial* a research project addressing advance ethics training concepts to minimize risk in both criminal court and civil proceedings, department-wide.

Presentation, October, 2012, New York State Intelligence Summit, Albany, New York, *Constitutional, Legal and Ethical Issues, Updated, In Intelligence Led Policing*, a lecture on the current and future trends of constitutionally respected law enforcement policies and procedures used to further the Intelligence process.

PUBLISHED WORK: THE POLICE CHIEF, October, 2000, Vol. LXXVII, No. 10, pg. 52, *Law Enforcement Ethics, Lawsuits and Liability: Defusing Deliberate Indifference*, co-authored with Joycelyn M. Pollock, Ph.D., J.D., expanding research completed for a Policy Paper at Michigan State University for the Masters Program.

PUBLISHED WORK: THE JUSTICE SYSTEM JOURNAL, Volume 22/1, 2001, pg. 47, *Decision-making Patterns in Police Use-of-Force Cases Before the Federal Courts of Appeal: 1991-1996*, co-authored with Joseph A. Schafer, Ph.D., & D. Kall Loper, Ph.D., (from study presented 1998, A.C.J.S. Conference)

PUBLISHED WORK: THE LAW ENFORCEMENT TRAINER, ASLET publication, September/October, 2002 issue, *Proactively Managing Risk The Old Fashion Way, Getting Back to the Basics of Police Service*.

PUBLISHED WORK: THE POLICE CHIEF, October, 2006, Vol. LXXIII, No. 10, pg. 148, *Unconstitutional Policing, The Ethical Challenges in Dealing with Noble Cause Corruption*.

PUBLISHED WORK: Guest Editor of THE POLICE CHIEF, June, 2007, reviewed 30 prospective articles for publication regarding Police Ethics, Accountability and Liability, through the Police Image and Ethics Sub-Committee for the I.A.C.P.

PUBLISHED WORK: THE POLICE CHIEF, June, 2007, Vol. LXXIV, Number 6, pg.40, *Minimizing Risk by Defining Off-Duty Police Misconduct*.

PUBLISHED WORK: THE POLICE CHIEF, June, 2007, Vol. LXXIV, Number 6, pg.34, Civil Rights and Law Enforcement Intelligence, co-authored with David L. Carter, Ph.D., Michigan State University.

PUBLISHED WORK: POLICING: AN INTERNATIONAL JOURNAL OF POLICE STRATEGIES & MANAGEMENT, Vol. 31, No. 2, 2008, pp.306-323, Creating a Culture of Integrity: Supervisory Perceptions of Police Misconduct and Organizational Transformation, co-authored with J. A. Schafer, Ph.D.

PUBLISHED WORK: THE POLICE CHIEF, October, 2009, Vol. LXXVI, Number 10, pg.124, Dodging the Pitfalls of Noble Cause Corruption and the Intelligence Unit.

PUBLISHED WORK: THE POLICE CHIEF, October, 2009, Vol. LXXVI, Number 10, pg.132, Intelligence Led Policing: A Strategic Framework, co-authored with Lt. Raymond Guidetti, New Jersey State Police, Newark, New Jersey.

PUBLISHED WORK: THE POLICE CHIEF, October, 2009, Vol. LXXVI, Number 10, pg. 138, ILP Abbreviations for the ISE and NCISP Can Spell Trouble, co-authored with Inspector Lawrence E. Shaw, Florida Department of Law Enforcement, Investigations and Forensic Science Program, Tallahassee, Florida.

PUBLISHED WORK: THE POLICE CHIEF, October, 2009, Vol. LXXVI, Number 10, pg.142, Sense Enhancing Technology and the Future of Intelligence Led Policing, co-authored with Joseph A. Schafer, Ph.D., Center for the Study of Crime, Delinquency and Corrections, Southern Illinois University, Carbondale, Illinois.

PUBLISHED WORK: THE POLICE CHIEF, January, 2011, Vol. LXXVIII, Number 1, pg.18, Updating Ethics Training-Policing Privacy Series: Taking Race Out of the Perception Equation, co-authored with Joseph A. Schafer, Ph.D., Center for the Study of Crime, Delinquency and Corrections, Southern Illinois University, Carbondale, Illinois.

PUBLISHED WORK: THE POLICE CHIEF, February, 2011, Vol. LXXVIII, Number 2, pg.70, Updating Ethics Training-Policing Privacy Series: Respecting Society's Evolving Privacy Expectations.

PUBLISHED WORK: THE POLICE CHIEF, March, 2011, Vol. LXXVIII, Number 3, Updating Ethics Training-Policing Privacy Series: Noble Cause Corruption and Police Discretion.

PUBLISHED WORK: THE POLICE CHIEF, April, 2011, Vol. LXXVIII, Number 4, Updating Ethics Training-Policing Privacy Series: Managing Risk By Reducing Internal Litigation, co-authored with Inspector Lawrence E. Shaw, Florida Department of Law Enforcement, Investigations and Forensic Science Program, Tallahassee, Florida.

PUBLISHED WORK: THE POLICE CHIEF, November, 2013, Vol. LXXX, Number 11, pg. 60 Ethical Defensibility: Putting Police Ethics on Trial, co-authored with Lt. Colonel Norman Beasley, (retired) Arizona Department of Public Safety.

PUBLISHED WORK: THE POLICE CHIEF, December, 2013, Vol. LXXX, Number 12, pg. 52 Ethical Defensibility: Using the Intelligence Led Policing Template to Avoid the Appearance of Unconstitutional Policing, co-authored with David L. Carter, Ph.D, Professor at Michigan State University and author of Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies.

PUBLISHED WORK: THE POLICE CHIEF, January, 2014, Vol. LXXXI, Number 1, pg. 40, Ethical Defensibility: Minimize Liability By Clarifying Police Values, co-authored with Joseph A. Schafer, Ph.D, Professor and Chair of the Criminal Justice Department, Southern Illinois University, Carbondale.

PUBLISHED WORK: THE POLICE CHIEF, February, 2014, Vol. LXXXI, Number 2, pg. 24, Should An Officer's "Willingness to Deceive" Result in Automatic Certification Revocation?, sole author.

PUBLISHED WORK: THE POLICE CHIEF, November, 2017, Vol. LXXXI, Number 2, pg. 38-43 Deter Unconstitutional Policing: Reinstitute the Noble Cause, sole author.

Participated in the CICC/GIWG Privacy Task Team as a subject matter expert on policing privacy issues and the intelligence function regarding 1st Amendment, non-criminal expressive activities, and the Intelligence Led Policing paradigm. Assisting in the discussion, research and preparation of a white paper for a proposed policy paper, August, 2011.

Annual Conventions attended: Academy Criminal Justice Sciences, Midwest Criminal Justice Association Conference, International Association of Chiefs of Police, American Society of Law Enforcement Trainers, Southwest Law Enforcement Institutes Annual Ethics Train the Trainer Conference

ACADEMIC EXPERIENCE

1999, drafted the **Police Legal Ethics Awareness Training Program** for my graduate thesis at Michigan State University, the P.L.E.A.T. Program, that incorporates using caselaw, arbitration awards and disciplinary cases to better facilitate police ethics trainer's attempts to define police unethical behavior and the disciplinary ramifications associated with administrative duties in seeking policy compliance, risk management issues and reaffirmation of police integrity issues

June, 2001, panelist as police ethicist, addressing police use of force issues, Police Reform, sponsored by the Detroit Police Board of Commissioners, at a Town Hall meeting with citizens and the business community

Police Ethics Trainer, Detroit Police Department, August, 1997 through September, 1999, Risk Management-Police Liability issues, ethics and the disciplinary process, Field Training Officers program. Crime Prevention Seminar, Detroit Police Department, historical perspectives, annually.

Past instructor in a Crime Prevention course for the Detroit Police Department addressing the historical perspectives of crime prevention and contemporary techniques successful in the prevention of crime.

Past Guest Lecturer, Macomb Community College, Wayne State University, Michigan State University, criminal law, police liability, police ethics, security ethical issues, RICO laws, Freedom of Information Act, 4th Amendment search and seizure issues.

2003 to present- status change from ad hoc member to full committee member, in the I.A.C.P.'s Police Image and Ethics Subcommittee, involving taking meeting minutes at the mid-year and annual meetings, engaging in projects related to bettering the professionalism of policing, its image and ethical policies.

Panelist, International Managers of Police Academies and College Trainers, discussing the ramifications of police ethics training in relation to liability issues, October, 2003, Philadelphia, PA, at the International Association of Chiefs of Police Annual Conference

2004 Academy of Criminal Justice Sciences, Police Section, appointed to the Constitution and By-Laws Committee

2004-2006 Elected Executive Counselor for the Police Section of the Academy Criminal Justice Sciences

2004 Appointed to the I.A.C.P.'s Police Administration Committee's Volunteers in Police Services Award Committee to review 55 different police agency applications for Volunteer Program of the Year award, given to the agency with the most professional and effective volunteer program for 2004.

Hobbies: Reading, writing, running, ran the Detroit Free Press Marathon 3 times, the San Diego Rock n Roll Marathon 2001 and the Phoenix Rock n Roll Marathon, January, 2004, avid outdoorsman, coached Little League baseball, Little League soccer, both girls and boys basketball, amateur golfer, hockey dad and enthusiast, lacrosse dad, father of two Spartan graduates.

PROFESSIONAL AFFILIATIONS, Past and Present

Member of the Academy of Criminal Justice Sciences
Past Member of the Police Section Subcommittee
 Executive Counselor position 2004-2006
 Constitution and By-Laws Committee member
Past Member of the American Society of Law Enforcement Trainers
Past Member of the International Association of Ethics Trainers
Member of the International Association of Chiefs of Police
 Past Committee member of the Professional Standards, Image and Ethics
 Past Police Administration Committee Member
 Past Member of Volunteers in Police Service, awards committee
Center For Law Enforcement Ethics, Graduate: Train the Trainer Program
Member of the Midwestern Criminal Justice Association
Associate Member of the Detroit Police Officers Association
Member of the State of Michigan Bar Association