

Ray Bedard
May 25, 2016

1 IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
2 OF FLORIDA, IN AND FOR VOLUSIA COUNTY

3 Case No.: 2012-036059-CFAES

4 STATE OF FLORIDA,

5 -VS-

6 MICHAEL JON MORRISON,

7 Defendant.
8 _____

COPY

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11 DEPOSITION OF RAY BEDARD

12 Taken on Behalf of the State of Florida

13
14 DATE TAKEN: May 25, 2016

15 TIME: 10:00 A.M. - 12:00 P.M.

16 PLACE: Office of the State Attorney
17 251 North Ridgewood Avenue
18 Daytona Beach, Florida

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CLERK OF THE CIRCUIT
& CITY COURT VOLUSIA CITY, FL
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I N D E X

TESTIMONY OF ROY BEDARD

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E X H I B I T S

(NONE)

S T I P U L A T I O N S

It is hereby agreed and so stipulated by and between the parties hereto, through their respective counsel, that the reading and signing of the transcript are expressly reserved by the Deponent.

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P R O C E E D I N G S

THE COURT REPORTER: Please raise your right hand. Do you solemnly swear the testimony you shall give in this cause will be the truth, the whole truth and nothing but the truth?

THE WITNESS: I do.

ROD BEDARD, called as a witness by the Defendant, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. REID:

Q. Please state your name for us.

A. Roy Bedard.

Q. And what do you currently do for a living?

A. I run a law enforcement training and product corporation professionally. I'm also in school again working on my Ph.D. I split my time between professional and academic pursuits.

Q. What are you getting a Ph.D. in?

A. Sports psychology.

Q. What are you going to do with that?

A. Well, you'll find it interesting. When I tell you, it'll make perfect sense. I study human performance under stress. My background for 29 years in law enforcement has led me to being, of course, what -- I guess FDLE would call me a subject matter expert in

1 law enforcement use of force and defensive tactics.

2 What we now know about use of force and
3 defensive tactics is those things don't happen in a
4 vacuum. There are many stress indicators that dictate
5 human behavior. So all the research I've been doing
6 over the last 29 years, oddly enough has come back to
7 sports psychology, which is the one area where you
8 actually examine performance under stress with a guy in
9 a white lab coat. Can't really do it in police work
10 because we don't know when the stress is going to occur.

11 So it's really sports exercise and performance
12 psychology. That's the long title. But my emphasis is
13 on studying law enforcement performance under acute
14 bouts of stress, why they do what they do, what kind of
15 physiological, neurological processes are responsible
16 for psychological behaviors.

17 Q. I guess, more out of curiosity, when you're
18 talking about sports, how -- what exactly are you
19 looking at in sports for how they're handling stress?

20 A. So, again, law enforcement is a trained
21 position, but what's happening under stress is
22 biological. It doesn't change. Perhaps law enforcement
23 has a better handle on stress because we supply them
24 with what's known as coping mechanisms. We give them
25 equipment, we give them training. But when they get

1 stressed, they have the same neurological and endocrine
2 response that everyone else does.

3 So sports psychology is an area for us where
4 we can take athletes, people who are well -- it's a
5 different kind of psychology, just like law enforcement.
6 We're not looking at some kind of debilitating mental
7 feature. We're looking at people who are well, often
8 times very well, very well-trained, and we try to
9 determine where performance fails.

10 And in this sports psychology environment, as
11 I indicated, everything is kind of controlled. You can
12 bring an athlete into a laboratory, put them under bouts
13 of stress, put them on a treadmill, do dehydration, do
14 all these various things in a controlled environment,
15 collect your data and have a fairly good understanding
16 of how humans will perform under similar environments.

17 So there's this sort of segue. For instance,
18 when you hand a guy a pig skin and tell 11 guys to cream
19 him, his stress level gets pretty high. Probably not as
20 high as a law enforcement officer being shot at.
21 Nonetheless, he's getting the same underlying biological
22 responses to that level of stress.

23 So this is where the data is, and it took me a
24 long time to figure that out. I was looking at war
25 studies and police studies, and turns out that what we

1 have is, usually when it comes to stress-related events,
2 we have a self-reporting method. We do it after the
3 fact, not with somebody actually doing an empirical
4 eyes-on study of performance. So this is the master's I
5 chose, and I'm working on my Ph.D., which I hope to wrap
6 up next year.

7 Q. Are there certain -- you know, like you
8 mentioned dehydration and putting someone on treadmills.
9 Are the things in sports that you're looking at that --
10 of those particular elements did you look at when it
11 refers to police? I mean, like a police shooting,
12 you're certainly not looking at dehydration, you know.

13 A. No, but you come to understand that there are
14 certain, what we call artifacts, that occur when
15 somebody is stressed to the degree that they believe
16 there is a lot riding on it, perhaps their life.

17 What you start to see is unusual phenomena:
18 Tunnel vision, auditory exclusion, vasodilation,
19 physiological futures that your body experiences as a
20 result -- more than likely from an evolutionary
21 psychology perspective as a result of survival.

22 So to understand why you're getting that
23 endocrine response or that electrical response in a
24 controlled environment, once again you turn towards
25 sports because it's precisely the same thing you would

1 anticipate would cause these things in another area of
2 high competition, which of course is law enforcement or
3 military. We look at military as well.

4 Q. Would you agree that the stress is
5 different -- it's a different type of stress if you put
6 someone on a treadmill, dehydrate them and have them run
7 five miles than if you have an officer that gets out of
8 his car and all of a sudden a gun's pointed at his head?

9 A. Yes. It's anxiety versus physical stress.
10 Physical stress usually amounts to areas of anxiety,
11 particularly in sports when you're playing, for
12 instance, for the championship or the the World Series
13 or for the Superbowl. You can start to get pretty high
14 amounts of anxiety or arousal that occurs as a result of
15 the phenomena that we put people in.

16 Q. Tell me if I'm wrong. Just thinking off the
17 top of my head. You have a different result from the
18 those two types of stress. Like if you're dehydrated,
19 just ran a long time, the result would cause you to move
20 slower, react slower; whereas, if someone puts a gun to
21 your head, that whole fight or flight mechanism would do
22 the opposite, it would increase those.

23 A. Actually, in both areas, what you see is
24 what's called an inverted curve, also known as the
25 Yerkes-Dodson curve. With anxiety you will improve your

1 performance for a short period of time, and then it
2 plateaus. Then if the anxiety gets too high or your
3 coping mechanisms begin to fail, you have a catastrophic
4 failure, which means you'll see a rise in performance
5 and immediately a drop off in performance when the
6 anxiety gets too high.

7 Here's the good news about sports. Very few
8 people enter sports -- perhaps in extreme sports they
9 experience the same exact thing. Very few people enter
10 the sporting world thinking they're not going home.
11 That is a difference. Certainly in some of the extreme
12 sports, whether you're cliff diving or jumping out of
13 airplanes, you will get that same level of arousal and
14 exhilaration you see in police work.

15 Q. Can you test for those type of things in a
16 lab?

17 A. Sure.

18 Q. Like how do you test for those?

19 A. If you're looking at the endocrine system, you
20 swab for it. What you're trying to do is you find out
21 what the content of release from the adrenal gland, for
22 instance, where you'll see testosterone flooding in the
23 system. You'll see epinephrine, also known as
24 adrenaline, and various type of catecholamines that are
25 flooding into the system to deal with that particular

1 bout of anxiety. And you'll see very similar things
2 with law enforcement officers.

3 Q. Maybe -- I'm trying to grasp this with my
4 head. You know, a police officer goes to a house, like
5 in this case, and a gun pointed at his head, say, or
6 just in any situation, that's triggers this fight or
7 flight, correct?

8 A. Right.

9 Q. Can -- how are you testing for that in, you
10 know, in your example, sports in a lab that -- how are
11 you triggering that fight or flight?

12 A. Well, we haven't been. What we have been
13 doing is still relying on self-reports. I don't want to
14 suggest that we -- that the information of
15 self-reporting is invalid. We're just trying to
16 understand sort of the process before, during, as well
17 as after the event to make more sense out of it.

18 Q. Because wouldn't you think that the results
19 could be different between, you know, if a police
20 officer, say, is -- has to go on a two-mile chase of a
21 defendant, his body's undergoing is a different
22 phenomena than if the officer had been in an air
23 conditioned car, gets out of his car, walks to his house
24 and, bam, a gun in his face?

25 A. Pretty much the same. You're going to have

1 the same reaction. You're going to have a reaction that
2 begins obviously with recognizing a threat. I was in
3 Poland two days ago giving this lecture. You're going
4 to first have a reaction from recognizing that threat,
5 and if that threat is perceived by basically the
6 pituitary response, it is going to start flooding
7 chemicals down to various parts of your body to activate
8 the fight/flight response.

9 And that can be done chronically or acutely,
10 over a short period of time and long period of time.
11 Our system has actually developed probably more likely
12 for acute responses, which, by the way, is why we all
13 get fat. We're still using the same fight/flight
14 response that we were -- that has evolved within our
15 species when, frankly, lions were chasing us across the
16 savanna. We're now having that same response trying to
17 pay bills.

18 So it is precisely the same thing. There is
19 not a different chemical that comes out, for instance,
20 when you have a gun pointed at your face rather than
21 when you had a lot of stress from trying to win the
22 national championship.

23 Q. I guess not a different chemical. What I'm
24 getting at, I guess, is just intuitively, if you just
25 chased someone for miles, you got to say, I mean, you're

1 going to be moving slower. You're going to be tired,
2 exhausted; where if you have not chased someone and just
3 out of the blue a gun gets pointed at your head, you're
4 going to be physically able to react differently?

5 A. Then you'll be very exhausted. So it's a
6 greater, more profound dump of chemicals into the system
7 in that acute episode. I've had so many cases --
8 especially stand-your-ground cases -- people have ended
9 up using deadly force on a situation similar to what
10 you're describing, they get arrested and fall asleep in
11 the back of the police car. Happened within a minute or
12 two, and then they were completely exhausted as if they
13 ran two miles.

14 Q. But the reaction immediately after the
15 stimulation is different?

16 A. It depends. Yes, if you're trying to compare
17 physical stress which is the -- you know, basically
18 burning the energy in the system using the glucose
19 within the blood to power your muscles for a run, or
20 that's being done chemically from breaking down growth
21 hormone that the pituitary gland is responsible for
22 releasing and glucose which will be pumping out of your
23 adrenal glands -- I'm sorry, out of your liver, it will
24 create essentially the same biological affect. When you
25 measure it, you'll find the same chemicals to perhaps a

1 different degree.

2 Q. And, you know, I guess just generalizations
3 because -- have you written a report in this case?

4 A. I'm sorry?

5 Q. Have you written a report in this case?

6 A. I have not, no.

7 Q. Are you planning to write a report for this
8 case?

9 A. I don't know. That will be up to the
10 attorney. I know there's a requirement in civil law,
11 but in criminal it's usually more of the attorney's
12 preference as to whether or not they wish me to put
13 something on paper.

14 Q. Is there any reason you haven't put something
15 on paper at this point?

16 A. I wasn't asked to.

17 Q. All right. I'll get back to some of these
18 other questions, but before I forget about it, tell me
19 about your qualifications. You were a police officer,
20 correct?

21 A. I started as a police officer. I'll go down
22 the law enforcement list. Started as a police officer
23 in 1986 when I went to the academy.

24 Q. Where was that?

25 A. Tallahassee. It was at that time called the

1 Lively Law Enforcement Academy, now known as the Pat
2 Thomas Law Enforcement Academy. I was hired in 1987 by
3 the Florida State University Police Department. I
4 worked for about almost now years, left in 1990, and
5 went to the Tallahassee Police Department.

6 I worked with the Tallahassee Police
7 Department full-time until 1996. And throughout all of
8 this, I was working at the police academy as use of
9 force and defensive tactics trainer. My background and
10 skill level in that area is probably due more to my
11 martial arts experience. When I was a kid, that's all I
12 did. I was on the United States karate team, traveled
13 around the world throwing hands.

14 When I got into the academy, I think I was a
15 good fit for learning the model of law enforcement
16 defensive tactics and had the physical skills to be a
17 quick study.

18 Q. Just to stop you. I'll let you get back to
19 it. But when -- what you taught in use of force, was it
20 karate based?

21 A. Everything in use of force is karate or judo
22 or aikido based. It all -- the punching that we teach
23 at the academy have an origin back to probably old Asia.

24 Q. I guess I'll stop you. I don't mean to
25 interrupt you. Let me rephrase my questions. Were you

1 teaching karate or were you teaching police procedure?

2 A. I was teaching police procedure.

3 Q. When you say police procedure, was it in a
4 classroom setting, like under this circumstance, you do
5 this and under this circumstance you do --

6 A. Yes.

7 Q. -- here's our policy from, you know,
8 Tallahassee police or Florida, you know --

9 A. Different law enforcement.

10 Q. Is that -- you were teaching their policy?

11 A. Yes.

12 Q. What policy were you teaching?

13 A. So the Criminal Justice Standards and Training
14 Commission, which is commissioned by Florida Department
15 of Law Enforcement, has its own curriculum division. I
16 am a subject matter expert on that curriculum division.

17 When I began, of course, I wasn't; but it was
18 the same curriculum, essentially, that I learned that I
19 later became a part of revising as the years went on.

20 So it was the state-wide law enforcement
21 credentialing curriculum that every law enforcement
22 officer in the State of Florida had to undergo and pass
23 a test to be certified as a police officer.

24 Q. And that's what you were teaching?

25 A. That's what I was teaching.

1 Q. Did you have a certificate to teach that?

2 A. Yes.

3 Q. What certificate was that?

4 A. It is a -- Florida Department of Law
5 Enforcement offers what they call Instructor Techniques
6 Class. You need both that certificate as well as a
7 Definitive Tactics Instructor certificate. As a matter
8 of fact, I've taught here in Daytona many times at the
9 academic on those same certificates.

10 Q. Are you still certified in that?

11 A. Yes.

12 Q. And is that -- so is that something you have
13 to renew?

14 A. You do. You have to do that every five or
15 eight years or something like that. There's an element
16 in there now that -- a rule that FDLE has come up with
17 that you have to remain active in teaching, which I am.

18 Q. So you are actively certified?

19 A. Yes.

20 Q. Do you have those certifications?

21 A. Yes.

22 Q. You have a copy somewhere?

23 A. Yes.

24 Q. Can I get a copy of those?

25 A. Sure.

1 Q. All right. So that took us, I think, to '96.

2 A. Yes. In '96 I left full-time policing and
3 went into what we call the reserve program. The reserve
4 program in the City of Tallahassee is specifically all
5 the same training as a full-time officer goes through.
6 We have all the equipment. We can check out cars, go
7 patrol the streets. Sometimes we were called, if there
8 was an event, for instance -- of course, at FSU we draw
9 big crowds in during the football season so we would be
10 called to football games but also if we were short on a
11 Friday night. So I served in the role of a reserve
12 officer from 1996 until 2015, the end of 2015 when I
13 finally officially retired.

14 Q. So as a reserve officer, were you -- how often
15 were you working?

16 A. There was a requirement that we had to work
17 two -- I'm sorry, 144 hours a year or 12 hours a month.
18 You could do it either way for many years. Then we went
19 through an economy crisis, and that rule got lifted. I
20 don't remember if it was 2007, 2008, something like
21 that.

22 Typically, if I wasn't working -- and I got
23 lesser and lesser in the field and more and more in
24 curriculum writing. I was given credit for going to
25 FDLE and reconstructing the entire use of force and

1 defensive tactics curriculum.

2 So during -- I don't know -- the mid 2000s, I
3 probably received a lot of hands-on hours, credit for
4 hands-on hours to satisfy the requirement doing
5 curriculum writing, use of force and defensive tactics,
6 while at the same time donning a uniform from time to
7 time.

8 Q. How many hours do you think you were a year
9 working as a patrol police officer?

10 A. At what period? We're going --

11 Q. From '96 to 2015?

12 A. It varies. I would say it's safe to say 144 a
13 year; probably lesser during the last five, six, seven
14 years.

15 Q. So, I mean, that was very part-time?

16 A. Very part-time.

17 Q. What were you doing the rest of your time?

18 A. Traveling the world teaching cops.

19 Q. Teaching cops?

20 A. That's my business.

21 Q. Okay. What were you teaching them?

22 A. Use of force and defensive tactics. I am a
23 firearms instructor. It's not my passion. I teach
24 mostly empty hands skill. I made a living out of
25 teaching handcuffing, pepper spray, non-lethal weapons,

1 ground defense, close-quarter tactics, arrest
2 procedures, Fourth Amendment issues, all those kinds of
3 things that law enforcement officers need when they're
4 engaging somebody in criminal conduct.

5 Q. And your business, did you sell something,
6 now?

7 A. I also make tools. I have a couple patents.
8 I have a couple patents on batons and holsters and
9 handcuffs. These are really my flagship items that are
10 produced in Jacksonville and I supply to law
11 enforcement, military, corrections.

12 Q. Do you have a website?

13 A. I do: Rrbsystems.com. You can see a list of
14 products. Not all of them are mine. I started working
15 very closely with groups like Safariland. I don't know
16 if you're familiar with them. They make leather gear.
17 Even though I don't think any of it's leather, that's
18 what we still call it. We use various materials, Kydex
19 and Porvair, to create the belts and holsters because
20 they seem to be more durable than leather.

21 Q. Tell me one more time, what is your business?

22 A. I'm a law enforcement trainer. If you want --

23 Q. You had a title of the business earlier.

24 A. Police Products and Training.

25 Q. And the products is what you just talked to me

1 about?

2 A. The products is what I just spoke to you
3 about. My business in training for many years was
4 supporting my business in products. In other words,
5 when I sold my unique batons, I had to go train somebody
6 how to use those unique batons. I made business in just
7 about every continent with the exception of Australia
8 and Africa.

9 Q. Okay. All right. And I might have
10 interrupted you some. But from '06 to '15 you're
11 part-time police?

12 A. Ninety-six.

13 Q. I'm sorry, '96 to '15. Did you have any other
14 certification or training in that period?

15 A. Yes, quite a bit. We had mandatory retraining
16 that every police officer had to go through. I think 40
17 hours every five years, which is the mandatory
18 requirement.

19 But there were also in-service requirements
20 that we had to comply with if we were going to be doing
21 scenario training. The reserve officers were not exempt
22 from that. They had to train just like all the other
23 officer did.

24 Then bearing in mind, I was also doing many
25 different conferences because I was not only selling

1 products and providing training at those conference, but
2 my training may last, for instance, two or three hours.
3 I would be there for a week, so I would attend other
4 courses as well. I did quite a bit of learning during
5 that time period.

6 Q. Do you have any other certifications besides
7 the one you mentioned?

8 A. I mean, certificates, some are corporate. If
9 you're talking about state certificates, the only one I
10 can tell you I have is a private investigator
11 certificate from the State of Florida. But I have
12 multiple certifications from pepper spray
13 manufacturers -- I went through their course -- and
14 pepper ball manufacturers and handcuff manufacturers and
15 all those kinds of things.

16 Q. Do you have a CV?

17 A. I do.

18 Q. I'm not asking you to have it with you right
19 now. Can you get that to me and we can talk about it
20 afterwards?

21 A. Happy to do it. I thought you would have it.
22 I believe I sent one. I don't know if I had it or not.
23 I don't remember. This case came on very suddenly. And
24 I was in Europe for two weeks as of two days ago so I
25 apologize for you not having it.

1 Q. No worries at all. I'm trying to think, are
2 there any other certifications or specialties you have
3 that pertain to your testimony in this case?

4 A. I think I told you I'm a certified law
5 enforcement officer with FDLE; I'm a certified
6 instructor; certified use of force and defensive tactics
7 instructor. I do have certifications from FDLE going
8 back over 20 years dealing with domestic violence and
9 dealing with DUI and NCIC/FCIC and all sorts of
10 procedural things that are involved in being a law
11 enforcement officer. I have certificates of attendance,
12 and most of them are not instructor's certificates,
13 it's -- the instructor certificates I have, I believe I
14 shared with you.

15 Q. When you were a full-time police officer the
16 six years in Tallahassee --

17 A. Yes.

18 Q. -- and I guess you were a full-time police
19 officer in '96 and '97?

20 A. Yes.

21 Q. In that time, what was your assignment?

22 A. I was a patrol officer, also a field training
23 officer. Training has always sort of been my passion.
24 It's probably why I got into police work and probably
25 why I got out. I was finding myself enjoying the

1 training aspect of it more than humping a blue and white
2 across the City of Tallahassee. You know, I didn't feel
3 I was expressing myself as well as I could by doing that
4 all the time.

5 Q. What rank were you?

6 A. I was an officer, yes. And I also was the
7 chairman of our use of force and defensive tactics
8 committee in the six years I was at the Tallahassee
9 Police Department.

10 Q. And when you were in the reserves, what was
11 your assignment?

12 A. Reserve. That would have been my assignment.

13 Q. And when you worked, beside what you said,
14 that you did a little bit of training, were you just a
15 patrol officer?

16 A. I was a patrol officer. I did some policy
17 review. I was sourced out. At that point I had come
18 back with a global experience, and I think I had some
19 value to my agency in terms of looking at existing
20 policies and giving us sort of a more well-rounded
21 perspective of where the rest of the country was versus
22 where we were and looking at everything at 30,000 feet.

23 So I've done quite a bit of policy review,
24 mostly in the area of arrests, use of force, defensive
25 tactics and so on.

1 Q. Did you have any specialties, through any
2 period of time as a law enforcement officer, in any
3 particular type of crimes? Were you ever on any task
4 force? Do you have any specialties in any crime?

5 A. My specialty was training.

6 Q. You never were DUI task force, drug task
7 force?

8 A. No. Again, I was a field training officer. I
9 think I always worked with somewhat of a specialty.
10 They relied on me to take new people out of the academy
11 and teach them how to do the job. What I was teaching
12 was somewhat unpredictable. It was based on what
13 happened in the environment on any given day.

14 Q. You never specialized in any narrow area of
15 crime?

16 A. That was not my direction, no.

17 Q. How many -- do you have any idea how many
18 arrests you've made?

19 A. No. A lot, I'm sure.

20 Q. Do you have any idea how many domestics
21 violence cases you've been involved in?

22 A. A lot.

23 Q. When you say a lot --

24 A. That would be on a more frequent -- I've been
25 doing it 29 years, sometimes full-time, sometimes

1 part-time, so trying to even figure that out would be --
2 I would just be picking a number and it would have no
3 value to you at all.

4 Q. I mean, I guess what I'm getting at, you
5 were -- and I'm not demeaning a patrol officer by any
6 means -- you kind of covered whatever came at you?
7 There wasn't any particular type of crime?

8 A. I covered all crimes.

9 Q. All right. Are you currently a sworn law
10 enforcement officer?

11 A. Yes. I'm a sworn law enforcement officer --
12 well, that's actually not true. I'm not a sworn law
13 enforcement officer. I retired from the City of
14 Tallahassee. I am a certified lawful enforcement
15 officer. I think I have five years to get my standards
16 hung with some other agency, and I'm probably six or
17 seven months officially retired now.

18 And I've thought about getting my standards
19 with another department just to stay current as a sworn
20 law enforcement officer, but I'm currently recognized as
21 a certified law enforcement officer by FDLE.

22 Q. Did -- you obviously have an undergrad degree.
23 Where did you go college?

24 A. FSU.

25 Q. That was your undergrad?