

Basic Course Workbook Series Student Materials

**PC 832 Student Workbook
Volume Four: Use of Force
Version 3.0**

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Student Materials
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Volume Four: Use of Force
Version 3.0**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

PAUL CAPPITELLI
Executive Director

PC 832 Student Workbook Volume 4: Use of Force Skills

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Use of Force Learning Domain 20

Overview

Introduction to the Use of Force

Learning need

Peace officers must recognize that they have the authority to use reasonable force to effect an arrest, to prevent escape, or to overcome resistance as authorized by the California Penal Code. For their safety, and for the safety and well-being of fellow officers, it is critical that peace officers know the laws governing the use of force.

Learning objectives

The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• discuss <i>reasonable force</i> as stated by law	20.01.EO1
<ul style="list-style-type: none">• discuss the components of the Fourth Amendment standard for determining <i>objective reasonableness</i>, as determined by the U.S. Supreme Court	20.01.EO2

Continued on next page

Overview, Continued

Learning objectives (continued)

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none"> • explain the legal framework establishing a peace officer's authority during a legal arrest, including: <ul style="list-style-type: none"> - subject's requirement to submit to arrest without resistance - peace officer's authority to use reasonable force during a detention or arrest 	20.01.EO3 20.01.EO4
<ul style="list-style-type: none"> • identify the circumstances set forth in the California Penal Code when a peace officer has the authority to use force 	20.01.EO5
<ul style="list-style-type: none"> • discuss the level of authority agency policies have regarding the use of force by a peace officer 	20.01.EO6

In this chapter

This section focuses on the legal aspects regarding a peace officer's authority to use force. Refer to the following chart for specific topics.

Topic	See Page
Reasonable Force	1-3
Authority to Use Force	1-6

Reasonable Force

[20.01.EO1, 20.01.EO2]

Introduction

Reasonable force is a legal term for how much and what kind of force a peace officer may use in a given circumstance.

Penal Code Section 835a states: “Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.”

Fourth Amendment “objective reasonableness” standard

In 1989, the United States Supreme Court applied an objective standard to a force situation and further established how reasonable force must be judged objectively (*Graham v. Connor*, 490 U.S. 386, 109 S.Ct. 1865) (1989). The Court’s analysis began by considering the subject’s Fourth Amendment right to remain free from any unreasonable seizure against the government’s interest in maintaining order through effective law enforcement.

The Court noted that determining the objective reasonableness for the use of force must be *fact specific*, and established the following four components for determining reasonableness:

	The reasonableness of a particular use of force must be...
1	judged from the perspective of a reasonable officer.
2	examined through the eyes of an officer on the scene at the time the force was applied, not the 20/20 vision of hindsight.
3	based on the facts and circumstances confronting the officer without regard to the officer’s underlying intent or motivation.
4	based on the knowledge that the officer acted properly under the established law at the time.

Continued on next page

Reasonable Force, Continued

The officer's perspective

Peace officers will constantly be faced with decisions of when to use force and to what degree it should be applied.

The totality of the circumstances must be evaluated from *the perspective of the officer at the scene*, rather than from an outsider's benefit of "20/20" hindsight. Reasonable force must be based on the facts and circumstances known to the peace officer at the time the force was used.

The Court noted that:

"The amount of force necessary for the situation is determined by the objective reasonableness as judged by a reasonable officer given the officer's training and experience."

A reasonable officer is defined as an officer with similar training, experience, and background in a similar set of circumstances, who will react in a similar manner.

Community policing

Community members want their officers to possess the skills necessary to subdue violent and dangerous subjects. They also want officers to use these skills to apply only the amount of force that is reasonable to effect an arrest, to overcome resistance, or to prevent escape. Force should never be used to punish subjects. In the American criminal justice system, punishment in the form of judgments is the sole responsibility of the courts.

Continued on next page

Reasonable Force, Continued

The officer's intent

The objective for the use of force by peace officers in any situation is to ultimately gain or maintain **control** of an individual and the situation.

Control, as it relates to defensive tactics, means maintaining composure to make sound judgements and decisions.

Additional gauges for reasonableness

The Court noted that the following facts should also be considered, but not limited to, when gauging reasonableness:

- The severity of the crime
 - The nature and extent of the threat posed by the subject
 - The degree to which the subject resists arrest or detention
 - Any attempts by the subject to evade arrest by flight
-

Reasonable officer standard

The **reasonable officer** standard:

- would another officer
 - with like or similar training and experience
 - facing like or similar circumstance
 - act in the same way or use similar judgement?
-

Authority to Use Force

[20.01.EO3, 20.01.EO4, 20.01.EO5, 20.01.EO6]

Introduction

It is the role of the peace officer to protect and serve the public. Peace officers who make or attempt to make an arrest may use reasonable force when faced with a threat or resistance.

Subject's duty to submit to arrest

Whether a subject is legally detained or arrested, it is the subject's duty to refrain from resisting the officer's authority.

Penal Code Section 834a states:

“If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.”

Officer authority to use restraint

An arrest can be made by physically restraining a subject or by the subject submitting to the authority of the officer.

Penal Code Section 835 states:

“An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for arrest and detention.”

Authority and criteria for the use of force

Penal Code Section 835a states:

“Any officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an arrest, to prevent escape or to overcome resistance.”

Continued on next page

Authority to Use Force, Continued

**Authority
and criteria
for the use
of force**
(continued)

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.”

**Agency
policies**

Although statutory law and case law have provided a foundation for the use of force by a peace officer, the most detailed considerations and regulations are established by each agency’s policies.

Limitations on the use of force are set by agency policy. These policies are attempts to provide reasonable guidelines for officers to protect them and their agency from criminal and civil liability.

Peace officers are responsible for becoming familiar with and complying with their agency’s policies and guidelines regarding the use of force.

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Authority to Use Force, Continued

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Force Options

Overview

Learning need Peace officers must recognize that they have a range of force options available to them. However, in all cases the use of force must be reasonable compared to the threat, resistance, and other circumstances known to the officer at the time the force was used.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
• define the term “ <i>force option</i> ”	20.02.EO1
• identify that the objective of using force is to overcome resistance to gain control of an individual and the situation	20.02.EO2
• recognize force options and the amount of force peace officers may use based on the subject’s resistance	20.02.EO3

Continued on next page

Force Options

[20.02.EO1, 20.02.EO2]

Introduction

Force options are choices identified to a peace officer in each agency's policy to overcome resistance, effect arrest, prevent escape, or gain control of the situation.

Objective for use of force

The objective for the use of force by peace officers is to ultimately gain and maintain control of an individual and the situation.

Peace officers are required to:

- use the type of force which is reasonable under the circumstances
 - use only the amount of force reasonable to overcome resistance and to gain or maintain control of a subject
 - use only the amount and type of force permitted by agency policy
-

Officer judgement

The amount of force applied shall not exceed what is reasonable to overcome the subject's resistance/actions to gain or maintain control of the subject. Each officer must rely on their judgement to employ **objectively reasonable** force for that specific situation.

The *reasonableness* of a particular use of force must be judged from the perspective of a reasonable officer. Examined through the eyes of an officer on the scene at the time the force was applied, not the 20/20 vision of hindsight. Based on the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation. Based on the knowledge that the officer acted properly under the established law at the time.

Continued on next page

Force Options, Continued

Officer preparation

In law enforcement, preparation can mean the difference between life and death as well as generate a professional image for a peace officer. The following chart identifies some items officers must consider and prepare for:

Item	Considerations	Benefits
Uniforms	<ul style="list-style-type: none">- Proper fit- Neat, professional appearance- Does not impair free movement	<ul style="list-style-type: none">- More effective- Command presence
Gear	<ul style="list-style-type: none">- In good condition- Inspected regularly- Readily accessible	<ul style="list-style-type: none">- Increased confidence in the application of physical force
Firearms	<ul style="list-style-type: none">- Cleaned and maintained- Serviced by a trained armorer as necessary	<ul style="list-style-type: none">- Increased confidence in the application of deadly force
Body armor	<ul style="list-style-type: none">- Fits properly- Does not interfere with movement- Is worn	<ul style="list-style-type: none">- Enhanced survivability

Practice and training

It has been established that peace officers, when required to respond in dangerous situations, will revert to the responses they learned in training. Officers' tactical performance may depend entirely on how well and effectively they have trained and practiced required skills and abilities.

Without ongoing practice and training, peace officers place themselves and others in jeopardy of injury or death.

Resistance

[20.02.EO3]

Introduction

A subject's resistance/actions to an arrest will determine the type of force used by peace officers.

Subject's actions

The following chart illustrates how a subject's resistance/actions can correlate to the force applied by an officer:

Subject's Actions	Description	Possible Force Option
Cooperative	Subject offers no resistance	<ul style="list-style-type: none">- Mere professional appearance- Nonverbal actions- Verbal requests and commands
Passive non-compliance	Does not respond to verbal commands but also offers no physical form of resistance	<ul style="list-style-type: none">- Officer's strength to take physical control, including lifting/carrying- Controlling holds and techniques to direct movement or immobilize a subject
Active resistance	Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, or verbally signaling an intention to avoid or prevent being taken into or retained in custody	<ul style="list-style-type: none">- Controlling holds and techniques to control the subject and situation- Use of personal weapons in self-defense and to gain advantage over the subject- Use of devices to secure compliance and ultimately gain control of the situation

Continued on next page

Resistance, Continued

Subject's actions
(continued)

Subject's Actions	Description	Possible Force Option
Assaultive	Aggressive or combative; attempting or threatening to assault the officer or another person	- Use of devices and/or techniques to secure compliance and ultimately gain control of the situation
Life-threatening	Any action likely to result in serious injury or possibly the death of the officer or another person	- Utilizing firearms or any other available weapon or action in defense of self and others

NOTE: Officers must take into account the *totality of the circumstances* when selecting a reasonable force option. It is not the intent of this chart to imply that an officer's force options are limited based on any single factor.

Constant reevaluation

Peace officers must use the force option appropriate for the situation. Conditions may change rapidly. Officers must continually reevaluate the subject's actions. Officers must be prepared to transition as needed to the appropriate force options.

Continued on next page

Resistance, Continued

Constant reevaluation
(continued)

The following tools and techniques are not in a particular order nor are they all inclusive.

Tools and Techniques for Force Options
Verbal Commands/Instructions/Command Presence
Control Holds/Takedowns
Impact Weapons
Electronic Weapons (Tasers, Stun Guns, etc.)
Chemical Agents
Firearms
Body Weapons
Impact Projectile

Continued on next page

Resistance, Continued

Examples

The following chart presents examples of situations and an appropriate and inappropriate use of force based on the level of resistance/actions that is being offered by the subject:

Situation	Subject's Action(s)	Officer's Response(s)
During a traffic stop an officer discovered that the driver had several outstanding traffic warrants.	The driver offered no resistance, was cooperative, and responded immediately to the verbal commands of the officer.	<i>Appropriate:</i> The officer's presence and verbal commands were reasonable to maintain control of the situation.
		<i>Inappropriate:</i> The officer used a physical control hold immediately before giving verbal commands. The driver became fearful of the officer's actions and began to struggle with the officer. Absent other mitigating factors, the officer's use of force was unreasonable and may have escalated the threat.

Continued on next page

Resistance, Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
During a traffic stop an officer discovered that the driver had several outstanding traffic warrants.	The driver complied with the officer's verbal command to get out of the car and showed no signs of threatening behavior, but refused to cooperate in any other way.	<i>Appropriate:</i> The officer used a firm grip to overcome the driver's passive resistance to the officer's efforts to direct the movement of the driver and maintain control of the situation.
		<i>Inappropriate:</i> The officer used an impact weapon to disable the subject before applying a control hold and placing the subject under arrest.

Continued on next page

Resistance, Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
<p>During a traffic stop an officer discovered that the driver had several outstanding traffic warrants.</p>	<p>The driver complied with the officer's verbal command to get out of the car but then pulled away and assumed a fighting stance.</p>	<p><i>Appropriate:</i> The officer used a leg sweep takedown technique to gain physical control of the subject and then placed the subject under arrest. Since the subject exhibited assaulted behavior toward the officer, the use of force by the officer was reasonable.</p>
		<p><i>Inappropriate:</i> The officer continued making verbal requests for the subject to comply and attempted no other action to gain control of the subject. Even though the subject was not actively attacking the officer, he was actively and aggressively resisting the officer's attempt to arrest him. By not responding to the changing situation with reasonable force, the officer may have placed himself in greater danger of losing control and placed himself at risk of serious injury.</p>

Resistance, Continued

Student Notes

Use of Deadly Force

Overview

Learning need Peace officers must fully comprehend their authority, responsibility, and liability regarding the use of deadly force as authorized by law.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• identify the legal standard for the use of deadly force	20.03.EO1
<ul style="list-style-type: none">• identify the factors required to establish <i>sufficiency of fear</i> for the use of deadly force	20.03.EO2
<ul style="list-style-type: none">• recognize facts an officer should consider when determining whether or not to use deadly force	20.03.EO3
<ul style="list-style-type: none">• discuss the role of agency policies regarding the use of deadly force	20.03.EO4
<ul style="list-style-type: none">• recognize the law regarding justifiable homicide by a public officer and the circumstances under which the homicide is considered justifiable	20.03.EO5

In this chapter This section focuses on the use of deadly force. Refer to the following chart for specific topics.

Topic	See Page
Considerations Regarding the Use of Deadly Force	1-20
Justifiable Homicide by Public Officer	1-27

Considerations Regarding the Use of Deadly Force

[20.03.EO1, 20.03.EO2, 20.03.EO3, 20.03.EO4]

Introduction

The use of deadly force is the most serious decision a peace officer may ever have to make. Such a decision should be guided by the reverence for human life and used only when other means of control are unreasonable or have been exhausted.

Definition

Deadly force applied by a peace officer is force likely to cause death or serious bodily injury.

Leadership

Reverence for life is the foundation on which the use of deadly force rests. Deadly force is always the last resort used in the direst of circumstances. The authority to use deadly force is an awesome responsibility given to peace officers by the people who expect them to exercise that authority judiciously. In the law enforcement/community partnership, peace officers are expected to be self-disciplined, accountable, and in turn, the community is expected to support its peace officers.

To protect self or life

An officer may use deadly force to protect oneself or others when the officer has the objective and reasonable belief that his life, or the life of another, is in imminent danger of death or serious physical injury based upon the totality of the facts known to the officer at the time.

Continued on next page

Considerations Regarding the Use of Deadly Force,

Continued

**Legal standard
for use of
deadly force
on fleeing
subject**

In 1985, based on a person’s Fourth Amendment protection from unreasonable acts by peace officers, the United States Supreme Court set a four part legal standard for the use of deadly force for fleeing subjects (*Tennessee v. Garner*). The Court’s analysis required balancing a person’s fundamental interest in safety against the government’s interest in effective law enforcement.

The Court established the following components and prerequisites for an officer using deadly force against a fleeing subject in the line of duty.

	Components of the Garner decision...
1	“...if the subject threatens the officer with a weapon or there is <i>probable cause</i> to believe that he has committed a crime involving the infliction of serious bodily harm [or death]...”
2	“... <i>probable cause</i> to believe that the subject poses a threat of death or serious physical harm, either to the officer or others...”
3	“... <i>probable cause</i> to believe that the use of deadly force is <i>reasonably necessary</i> ...”[to prevent escape]
4	“... <i>some warning</i> be given prior to the use of deadly force <i>where feasible</i> ...”

NOTE: This federal constitutional standard is only the baseline for use of deadly force. Peace officers must also know the California Penal Code and agency policies. Officers must conform to agency policy and federal and state law.

Continued on next page

Considerations Regarding the Use of Deadly Force,

Continued

Related terms

In order to understand the aspects of the use of deadly force, peace officers need to become familiar with the following terms.

Serious bodily harm or injury means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement. (*Penal Code Section 243(f)(4)*)

Reasonable necessity means that delay in apprehension would create substantial and unreasonable risk to officers or others possibly resulting in serious physical injury or death.

Imminent danger means a significant threat that peace officers reasonably believe will result in death or serious bodily injury to themselves or to other persons. Imminent danger is not limited to “immediate” or “instantaneous.” A person may pose an imminent danger even if they are not at the *very moment* pointing a weapon at another person.

Sufficiency of fear

According to the law, fear alone does not justify the use of deadly force. There must be a *sufficiency of fear* for the use of deadly force to be justified. (*Penal Code Section 198*)

There are three elements needed to establish sufficiency of fear.

- The circumstances must be sufficient to excite the fears of a *reasonable person* in like circumstances.
 - The person must not act *under the influence of fear alone*. There has to be some circumstance or overt act apart from the officer’s fear.
 - The decision to use deadly force must be made *to save one’s self or another* from great bodily injury or death.
-

Continued on next page

Considerations Regarding the Use of Deadly Force,

Continued

Considerations when deciding to use deadly force

The decision of whether or not to use deadly force may be influenced by the officer's:

- training and experience
 - judgement
 - mental alertness
 - emotional maturity
 - existing circumstances
 - understanding of the law as it relates to:
 - agency policies concerning the use
 - amount of force that is objectively reasonable to achieve the law enforcement mission
-

Agency policies

Although the law and courts have established a baseline for the use of deadly force, the conditions under which deadly force may be used are strictly controlled by agency policy. *Officers must conform to agency policy and federal and state law.*

Some issues regarding the use of deadly force addressed by agency policies include, but are not limited to:

- defense of self and others against great bodily harm or death
 - use of warning shots
 - shooting at:
 - nonviolent fleeing felons
 - juveniles
 - moving vehicles
 - shooting from a moving vehicle
 - intentional strikes to the head or neck with an impact weapon
-

Continued on next page

Considerations Regarding the Use of Deadly Force,

Continued

Examples

The following chart presents examples that illustrate the selection of deadly force based on the details of the situations given.

Situation	Subject's Action(s)	Officer's Response(s)
A neighbor called the police to report that there seemed to be suspicious activity in the house next door; the owner is known to be away on vacation.	A burglar, surprised by a peace officer entering the room, shot at the officer and missed.	Since the burglar used deadly force against the officer, the officer had the authority to use deadly force to shoot back in self-defense.
	After missing the officer, the burglar threw his weapon down and surrendered to the officer.	The officer was no longer in immediate danger of being seriously injured or killed and no longer had the authority to use deadly force. The burglar should be apprehended through other means.

Continued on next page

Considerations Regarding the Use of Deadly Force,

Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
A peace officer got out of the patrol car to question a man loitering on a street corner.	The subject, using only his fists, attacked the officer.	The attack was of such force and violence to cause the officer to reasonably believe there was danger of being seriously injured. Provided that all other reasonable means of self defense had been exhausted or would have been ineffective, the officer would have had the authority to use deadly force in self-defense.
	The subject's attack was haphazard indicating that he was not experienced in any form of physical fighting skills and was reacting in fear rather than in rage.	Based on no other circumstances, the attack might not have been life-threatening to the officer, and other less than deadly force options would have been available to the officer to gain control of the situation.

Continued on next page

Considerations Regarding the Use of Deadly Force,

Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
<p>Two officers were dispatched to a convenience store where a silent alarm was tripped.</p>	<p>An armed male subject saw the official patrol vehicle and fled.</p>	<p>The officers saw that the store clerk had been shot but was still alive and gesturing toward the fleeing subject. The officers realized that the subject was trying to escape and they had seen that he had a gun. Because the subject used a firearm to commit the crime, if necessary, the officers have the authority to discharge their firearms to prevent the escape and effect the arrest.</p>
		<p>The store clerk had not been injured and the officers did not know if the fleeing subject was armed. Unless the officers have knowledge that the robbery included the use or threatened use of force likely to cause death or serious injury, they would not have the authority to use deadly force to prevent the subject from fleeing.</p>

Justifiable Homicide by Public Officer

[20.03.EO5]

Introduction

Homicide is the lawful or unlawful killing of a human being by another human being. Under certain circumstances homicide by a peace officer can be justifiable and legal.

Definition

Penal Code Section 196 states: “Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either:

- in obedience to any judgement of a competent court
 - when necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty
 - when necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with a felony, and who are fleeing from justice or resisting such arrest”
-

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Justifiable Homicide by Public Officer, Continued

Justifiable homicide by public officer

There are a number of conditions that must be met in order for a homicide by a public officer to be deemed justifiable, and therefore lawful. The following chart further identifies these conditions.

Homicide by a public officer may be justified when...	Explanation
ordered by a court to carry out a death sentence.	If officers are under the orders of a competent court to participate in capital punishment, the officers would be committing legal execution and could not be held responsible or prosecuted.
acting in the course of duty.	In self defense an officer shoots at an armed subject and kills a bystander. This would be legally justified, but only if the accident happened in the course of duty.
retaking escaping felons.	Homicide is justifiable when necessarily committed in retaking felons who have been rescued or have escaped. (<i>Penal Code Section 196</i>) NOTE: <i>Fleeing felon</i> alone is no longer adequate justification.
arresting a felon who resists to the point where deadly force is reasonable.	This applies to arrest situations where: <ul style="list-style-type: none"> • a threat to life exists, and • the subject could not have been taken by using other than deadly means.

NOTE: These conditions must be read in light of the legal standard established by the U.S. Supreme Court in *Tennessee v. Garner*, and *Scott v. Harris*.

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Justifiable Homicide by Public Officer, Continued

Unjustifiable homicide by a public officer

The following chart illustrates the circumstances under which homicide by a public officer may not be justified (based on mitigating factors).

Homicide by a public officer may NOT be justified when...	Explanation
pursuing nonviolent felons.	In the case of nonviolent offenses, such as forgery or grand theft, the consideration for human life and the safety of bystanders would preclude shooting the subject.
arresting or pursuing a felon who does not present a threat to life.	If it is not a violent felony, then the use of deadly force against the fleeing subject would be improper. A violent felony is one which threatens death or serious bodily harm.
arresting or pursuing a misdemeanor who does not pose imminent danger of death or serious bodily injury to people.	When an arrest is for a misdemeanor, use of deadly force is not justified. It is the principle of the law that it is better to allow a misdemeanor to escape than to apply deadly force against the individual.

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Justifiable Homicide by Public Officer, Continued

Considerations before using deadly force

In some instances, peace officers may have time to evaluate and assess all aspects of a situation. In most situations, split-second decisions must be made.

As part of the mental process for preparing to use deadly force, peace officers should consider several important factors *before* a situation requiring the use of deadly force arises. The following chart suggests, but is not limited to, a few of the mitigating circumstances that should be considered.

Circumstances	Considerations
Threat to life	<ul style="list-style-type: none"> Does the subject present a credible threat to the officer or others? <p>NOTE: Peace officers may use force reasonable to defend their lives or the lives of others.</p>
Imminent threat	<ul style="list-style-type: none"> Does the subject present an imminent threat to life? Is the subject threatening the officer or others with a weapon? Subject's access to weapons or potential weapons. Proximity of subject to the officer.
Type of crime/subjects	<ul style="list-style-type: none"> Is the nature of the crime violent or non-violent? Is there a large number of subjects to be confronted?
Type of weapon	<ul style="list-style-type: none"> Can it cause serious bodily injury or death? Does the subject demonstrate superior skill over the officer?
Subject's capabilities	<ul style="list-style-type: none"> Does the subject demonstrate superior physical skill over the officer?

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Justifiable Homicide by Public Officer, Continued

**Considerations
before using
deadly force
(continued)**

Circumstances	Considerations
Location and background	<ul style="list-style-type: none">• Is there a crowd of innocent people behind the subject?
The officer's present capabilities	<ul style="list-style-type: none">• What sort of weapon or other capabilities are at the officer's disposal?

NOTE: Officers must always take into account the totality of circumstances when selecting a force option for a given situation. It is not the intent of this chart to imply that any one circumstance alone may or may not justify the use of deadly force.

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Justifiable Homicide by Public Officer, Continued

Examples

The following chart illustrates examples of the use of deadly force by an officer.

Situation	Subject's Action(s)	Officer's Response(s)
An officer in a patrol vehicle witnessed a drug transaction taking place on a sidewalk near a group of juveniles.	Seeing the officer leave the vehicle and move toward him, the suspected dealer fled down the street. The dealer entered a large building to escape.	The officer drew his firearm, shot and killed the fleeing subject. Even though the offense witnessed by the officer was a felony, the crime did not involve the use or threatened use of force likely to produce death or serious injury. The homicide by the peace officer in this situation would have been unjustified and therefore unlawful.
	While fleeing the scene, the dealer pulled a handgun from his waistband and began firing randomly toward the officer.	In this situation, the subject was posing an immediate danger of causing the death or serious injury to the officer as well as to nearby bystanders. The homicide by the peace officer would have been justified and lawful.

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Justifiable Homicide by Public Officer, Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
During a riot, an officer witnessed two men shoplifting from a store in the area.	In the confusion of the riot, one of the subjects pulled out a handgun and began to fire at others who were trying to prevent his actions.	The initial crime was a misdemeanor, however, the situation had now escalated because of the use of deadly force by the subject. In such extreme circumstances, the officer's actions are lawful and the homicide justifiable.
	When the men fled the scene, the officer drew his firearm and ordered the men to stop. They ignored the officer's commands.	The officer fired at the fleeing subjects and fatally shot one. Since the offense witnessed by the officer was a misdemeanor and non-violent, the homicide would not have been justified and therefore was unlawful.

Describe why complete documentation of the use of force is critical to the peace officer and the peace officer's agency to include:

1. Justification for using force
2. Relevant factors and detail

Documenting the Use of Force

Overview

Learning need When a force option has been employed, peace officers' reports must include the critical information to ensure that the chronology, specifics of the events, and the people involved are properly documented.

Learning objectives The chart below identifies the student learning objectives for this section.

After completing study of this section, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• describe why complete documentation of the use of force is critical to the peace officer and the peace officer's agency, to include:<ul style="list-style-type: none">- justification for using force- relevant factors and detail	20.04.EO1

Documenting the Use of Force

[20.04.EO1]

Introduction

A peace officer's ability to clearly document the facts and activities of a use of force incident not only reflects on the officer's own professionalism, but also on the ability of the justice system to prosecute the criminal case or limit civil liability. Every use of force incident is different and may require different information.

Facts and circumstances are not limited to the written report. Other factors to be considered include:

- crime scene processing
- evidence collections
- photographs
- witness and subject statements
- medical records

“Objective reasonableness” standard

The U.S. Supreme Court has determined that the objective reasonableness for the use of force must be *fact specific*.

The reasonableness of an officer's use of force in the line of duty must be...

- | |
|---|
| <ul style="list-style-type: none">• judged from the <i>perspective of a reasonable officer</i>.• examined through the eyes of a reasonable officer on the scene <i>at the time the force was applied</i>. Not 20/20 hindsight.• based on the facts and circumstances confronting the officer <i>without regard to the officer's underlying intent or motivation</i>.• based on the knowledge that the officer <i>acted properly under the established law at the time</i>. |
|---|

In order for the officer's actions to be properly evaluated, the courts must rely on the documentation of all relevant factors.

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Documenting the Use of Force, Continued

Inadequate documentation

Peace officers may not clearly or adequately remember the specific details of an event. The most frequent reasons given for not including information include, but are not limited to:

- exhaustion/injury
- lack of time
- brevity is mandated
- trying to shorten the process by not including every application of force

It is imperative that *each* report be thorough and comprehensive, documenting all aspects of the use of force based on the officer's recollection.

It sometimes takes years before a case works its way through the court system. As time increases between the incident when force was used and any legal or civil action:

- an officer's memory may fade
- evidence may be destroyed
- a witness may be unavailable or cannot be located

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Documenting the Use of Force, Continued

Level of detail

To ensure that all the relevant information is included in their reports, officers need to be aware of the degree of detail required when documenting the use of force.

Precursory acts

Precursory acts are those events that led up to the encounter with the subject, including how the officer arrived at the scene as well as what observations helped the officer assess the situation.

Giving detailed information of the precursory acts provides the background information necessary to justify the use of force. Possible information includes, but is not limited to:

- establishing that the officer was acting in an official capacity
 - the wearing of an approved uniform that clearly identifies the officer as a peace officer
 - the mode of travel and whether or not the vehicle was clearly identifiable as a law enforcement vehicle
 - identification as a peace officer
 - the reason for the officer's presence
-

Subject behavior

Officers should describe the specific orders, commands, or requests that they gave to the subject. *Both* the officer's and the subject's responses and reactions to those commands should be documented, including direct quotes if possible.

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Documenting the Use of Force, Continued

Factors

Officers need to describe the factors between the subject and themselves that justify the use of force, including but not limited to:

- number of officers/subjects
- height and weight of each subject
- gender and age of each subject
- strength and fighting skills of each subject
- physical condition of each subject
- clothing (i.e., uniform with equipment vs. casual attire)
- stance of each subject (describe)

In addition to the subject's physical attributes, it is necessary to document the specific characteristics regarding the identification of a subject. Some characteristics include, but are not limited to:

- prior contact
 - obvious prison or gang tattoos
 - specific gang attire
 - access to potential weapons such as knives, boots, rings, or guns
-

Environment

Officers should observe and record details regarding the environment where the confrontation took place. This information includes, but is not limited to:

- physical environment where the contact took place (e.g., high crime area, etc.)
 - subject's potential to gain assistance or aid from friends or associates
-

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Documenting the Use of Force, Continued

Describing the type of force used

Officers need to be very clear regarding the type of force applied in given situations. This includes, but is not limited to:

- identifying techniques by their proper names and providing a written description
 - the effect or non-effect of the force technique used upon the subject
 - the rationale for adjusting and transitioning the level of force
 - communication before, during or after the use of force
-

Post-custody actions

After the subject has been taken into custody, peace officers should describe other actions such as, but not limited to:

- safe and effective adjustment of handcuffs
 - double locking the handcuffs (reduces the possibility of inflicting injury from handcuffs over-tightening)
 - obtaining first-aid or medical treatment for the subject and/or themselves when reasonably safe to do so
 - damage to their clothing (i.e., uniforms) and equipment
 - collection of evidence (what, where, and by whom)
-

Witness statements

Statements made immediately after the confrontation are often the most accurate since there is little time to become confused or let outside influences confuse the facts. Whenever possible, witnesses should be located and interviewed at the scene of the confrontation.

Use of a tape recorder or videotaping the statements of witnesses and subjects may be beneficial to the reporting officer.

NOTE: It is important to collect all statements including those persons who claim they did not see any part of the incident.

Report Writing Tip

Use of force

Use of force incidents are measured against a standard called “objective reasonableness” (*Graham vs. Conner*, 1989). It is imperative, therefore, for you to thoroughly understand this concept. Without a grasp of it, the effectiveness of your writing for this purpose will be diminished. Before reading further, review the “objective reasonableness” standard in this workbook (Learning Domain 20, *Use of Force*) student workbook or related DVD materials.

Specific fact patterns

When writing a “use of force” report, you must document all the facts and circumstances “at the moment” of the particular use of force. In other words; what specific fact patterns, observations or circumstances were apparent to you when you made the decision to use force?

First, begin by “setting the stage.” Document the type of call and all information known to you before and after the call. Second, describe each person involved in the force transaction which includes, but is not limited to, their physical traits, apparent mental and emotional state, objective symptoms (drugs/alcohol), weapons, etc. Third, document a chronological step-by-step detailed account of the force transaction. Most importantly, articulate how the force transaction interconnected with the primary objective of maintaining control. Fourth, think of your writing as a “video” that replays the event visually, mentally, emotionally and physically for others so it communicates what transpired effectively and clearly.

Set the stage

..I was on duty and in uniform. I was dispatched to John’s Liquor store at 2330 hours in regards to a WMA, 6-0', 250 lbs, 23-25 years old, wearing a blue jacket, white “tee” shirt and blue jeans. According to dispatch, an anonymous female (RP), who was leaving the Liquor Store, said the WMA (suspect) asked if she wanted to buy drugs. The RP said the suspect showed her a small plastic bag containing white powder...

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Report Writing Tip, Continued

Involved person(s)

...I arrived at John's Liquor store at 2335 hours. I approached on foot from approximately 50-yards north of the liquor store, which is located on the west side of the street. I saw (with an unobstructed view) the above-described suspect and ordered him to stop, but he continued to advance and repeated, "you're going down!" When the suspect came within about eight feet of me, I sprayed him directly in the face with a two-second burst of pepper spray. The suspect immediately dropped to his knees and started screaming, "You blinded me!"

Step by step account

...The suspect said in a loud voice, "What do you want?" I told the suspect I needed to ask him a couple of questions. The suspect clenched his hands into fists and raised his arms chest height and shouted, "You're going down!" The suspect started walking slowly toward me with his fists chest high. I ordered the suspect to stop, but he continued to advance and repeated, "You're going down!" When the suspect came within about eight feet of me, I sprayed him directly in the face with a two-second burst of pepper spray. The suspect immediately dropped to his knees and started screaming, "You blinded me!"...

Thinking questions

1. What additional and specific fact patterns should be expected in a use of force report?

2. Why is it important that a use of force report be written in a way that shows what the officer was thinking and perceiving at the time of the force transaction?

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Report Writing Tip, Continued

The link

In every use of force transaction, give an accurate account of who did what within the circumstances that were apparent to you when you made the decision to use force.

NOTE: This is not all there is to know about how to write a use of force report. Additional training is needed in areas such as scene description, interviews, evidence, medical, etc. This “tip” is only intended as a starting point for further discussion or learning activities with your instructor to broaden your expertise in this critical area.

Chapter Synopsis

Learning need When a force option has been employed, peace officers' reports must include critical information to ensure that the chronology, specifics of the events, and the people involved are properly documented.

Complete documentation [20.04.EO1] It is imperative that *each* report be thorough and comprehensive, documenting all aspects of the use of force.

Workbook Learning Activities

Introduction

In order to help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by reviewing the different sections, you should be able to decide on an appropriate response.

Activity questions

1. A peace officer on foot patrol notices commotion on a busy street corner. Walking over, he finds that a large woman (approximately 5' 10" and 250 pounds) sitting in the street, obstructing traffic. As the officer approaches, he notices that the woman smells strongly of alcohol. When the officer states, "Please move out of the street, Miss," the woman becomes belligerent, shouting obscenities at the officer. As he is about to exercise a control hold, she strikes the 180 pound officer and begins to flail her arms and strike him repeatedly, calling him Jim and asking, "How could you do this to me?" (This later turns out to be her husband's name.) After enduring several strikes, the officer hits the woman in the legs once with his baton, throwing her off balance and subduing her. She is handcuffed and transported to an approved medical facility. Toxicology reports later show that the woman was under the influence of alcohol and PCP. The medical exam showed that the baton strike caused a hairline fracture in the woman's right tibia (lower leg). She is now suing the officer and the department for excessive use of force.

How could a well documented report help the officer in this civil case?
What advantage could witness statements offer?

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Fear and Anger Management in the Use of Force

Overview

Learning need Peace officers must be ready to, and capable of, safely taking control of a dangerous situation.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• discuss factors that can affect a peace officer's response when threatened with danger, to include:<ul style="list-style-type: none">- fear<ul style="list-style-type: none">- reasonable- unreasonable- anger- indecision and hesitation	20.05.EO1
<ul style="list-style-type: none">• give examples of acceptable techniques for managing anger	20.05.EO4
<ul style="list-style-type: none">• describe the benefits of ongoing physical and mental training for peace officers involving the use of force	20.05.EO5

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Role of Initial and Ongoing Training

[20.05.EO5]

Introduction

Proper training and practice are keys to dealing effectively with dangerous situations. They help develop confidence, promote a trained response, and enhance mental alertness and concentration as well as develop emotional control.

Response vs. reaction

Through continual training, officers can learn to discipline the mind to remain calm, flexible, and alert at all times and, to reduce reaction time.

<i>Trained responses...</i>	<i>Reactions may be...</i>
are less predictable to the subject than instinctual reaction. are correctable. are flexible (can be adjusted and customized). can lead to increased self-control.	more predictable to the subject. limited. improper. dangerous to the officer or others.

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Role of Initial and Ongoing Training, Continued

Training and practice

Training and practice in both physical and emotional skills provide the understanding and manipulative ability needed by a peace officer in the use of force in potentially dangerous situations.

The following chart highlights what an officer gains from training and what may happen without it:

Training and practice can help attain...	Lack of and inadequate practice may result in...
confidence in an officer's abilities. Officers gain essential confidence in themselves to respond appropriately and apply the use of force effectively to gain control of subjects and situations.	lack of confidence. Lack of confidence can seriously affect officers ability to control their own physical and emotional instinctive reactions.
correct responses. The ability to make split-second decisions may mean the difference between life and death. Officers must be prepared at all times to respond quickly and effectively to any potential threat.	incorrect reactions. Not being able to respond correctly may cause an officer to overreact or under react. This can cost the officer's life or the lives of innocent people.

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Role of Initial and Ongoing Training, Continued

Training and practice (continued)	Training and practice can help attain...	Lack of and inadequate practice may result in...
	<p>mental alertness and concentration.</p> <p>By staying alert and able to concentrate under all types of conditions, officers will be able to keep their minds on the situation and maintain awareness.</p>	<p>panic.</p> <p>Panic is the total and absolute loss of control. Panic in crisis situations will render officers incapable of applying the correct and necessary defensive action for the situation.</p>
<p>control over body and emotions.</p> <p>Control of emotions will enhance an officer's mental as well as physical ability to act properly. Physical control will increase an officer's self-confidence and help further develop emotional control.</p>	<p>loss of control over body and emotions.</p> <p>When officers lose control of themselves they may lose control of the situation.</p>	

NOTE: Without proper, adequate, and continual training, physical skills deteriorate.

Officer responsibility

Training and ongoing practice are a personal and agency responsibility. Officers must seek training and maintain their level of skill throughout their entire career.

Fear and Anger Management in the Use of Force

[20.05.E01]

Introduction

The objective of using force is to gain control of a person or situation. It is acceptable for a peace officer to take the initiative to confront a suspected law violator. The use of force by an officer is not one of hostility but rather one designed to defend and protect the community from criminal violence.

Authority to use force (reemphasis)

Any peace officer who has reasonable cause to believe the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. (*Penal Code Section 835a*)

Ethics

Reverence for the law is the basis for the use of reasonable force by peace officers. The rule of law is what distinguishes democracy from authoritarian control. The use of reasonable force is guided and restricted by ethics, law and agency policy. Officers study law and policy so they act lawfully and ethically; in confidence that they can withstand the test of public scrutiny.

Factors affecting the peace officer's response

When peace officers use force, there are several factors that can influence their actions and the outcome of the event. These include the officer's:

- attitude or prejudices toward any involved party (e.g., self, partner, bystander, subject, etc.)
 - insensitivity or arrogance, creating a negative emotional response
 - sincere and courteous behavior, reducing problems and danger associated with an arrest
 - life experience, past performance, training, etc.
-

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Fear and Anger Management in the Use of Force, Continued

Officer's use of force

Peace officers who use force are not considered hostile, but rather they are using it for the defense and protection of the community from criminal violence.

What constitutes reasonable force is dependent on the subject's actions. The subject's actions can be:

- cooperative
 - active/resistive
 - assaultive
 - life-threatening
 - passive/non-compliance
-

Definition of control

Self control is maintaining composure to make sound judgements and decisions.

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Fear and Anger Management in the Use of Force, Continued

Self control

Self control is one of a peace officer's greatest assets in dealing with a person or a situation.

Self control:

- is a result of the development of confidence in one's skills
- also comes through training, practice, and experience
- improves decision making/reaction time

Some subjects can be controlled by the *peace officer's command presence*.

- Professional demeanor can have a positive influence on calming a subject, making it easier to take the subject safely into custody.
 - Nonprofessional demeanor can easily lead to increased conflict, encouraging dangerous behavior by the subject and resulting in poor behavior on the part of the officer.
-

Self Control

[20.05.EO4]

Introduction

The use of force in dangerous situations may bring on emotional responses as well as physiological responses that officers must be prepared to recognize and manage.

Emotional responses

Two major emotional factors that officers need to focus on to maintain self control are

- **fear**, an emotional response to a perceived threat
- anger, a feeling of displeasure from perceived opposition

It is important to understand fear and anger, since both can affect officers' reactions during a dangerous situation.

- Uncontrolled fear and anger tend to increase hesitation, verbal abuse and unreasonable force.
-

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Self Control, Continued

Definition of fear

Fear is a normal emotional response to a perceived threat (real or unreal). Fear is normal and does not become a problem until it interferes with the ability to perform effectively.

Experiencing fear

Everyone has experienced the sensation of fear. It is unpleasant but normal, natural, and often necessary.

A person's fear changes with time and experience. Fear may alter alertness during stressful situations. Courage or bravery are not the lack of fear, but in fact, the control of fear.

Physiological reactions to fear

When a person experiences fear, the body reacts, often by an increase in adrenaline, heart rate, and breathing. In addition, some common body responses to fear may include:

- blood clotting enzymes flow into the system to minimize damage from wounds
 - vision and hearing become more acute and focused (e.g., tunnel vision and tunnel hearing)
 - increased muscle tension and perspiration
 - raised pain thresholds
 - time distortion
 - color distortion
 - impaired fine motor skills
-

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Self Control, Continued

Types of fear

There are two types of fear: reasonable and unreasonable. The following chart explains the differences between the two.

Reasonable Fear	Unreasonable Fear
<ul style="list-style-type: none">• A controlled and legitimate fear• A mechanism that is necessary for officer safety based on perceived circumstances	<ul style="list-style-type: none">• Generated in the officer's mind with no direct correlation to facts and situations

Situations that may generate reasonable fear

Reasonable fear may result when an officer experiences increased tension in response to a potential threat.

The officer may experience *reasonable fear* as a result of:

- a sudden or erratic move by a subject
 - the sight of a weapon in a subject's possession
 - the knowledge that a person is in danger of bodily harm
 - a sudden sound produced outside of the officer's field of view
 - unresponsive, unexpected response to the officer's action
-

Situations that may generate unreasonable fear

Unreasonable fear includes overreactions to true potential threats as well as reactions to unreal threats based on prejudice or poor application of past experience.

Continued on next page

Self Control, Continued

Situations that may generate unreasonable fear (continued)

The officer may experience *unreasonable fear* as a result of:

- an emotional response to a traumatic event
 - generalization of past trauma (such as being bitten by a dog as a child or suffering a painful gunshot wound)
 - personal prejudice against people of a particular race, religion, ethnic group, etc.
 - overall anxiety as a result of uncertainty about one's own skills and expertise
-

Sources of unreasonable fear

Unreasonable fear can be responsible for inappropriate responses such as a failure to respond, or responding inappropriately (using unreasonable force).

There are several factors that can lead to unreasonable fear, some physical and some social. The following chart lists some types of fear.

Physical Source of Unreasonable Fear	Social Source of Unreasonable Fear
<ul style="list-style-type: none">• Personal physical harm• Phobias (e.g., claustrophobia)• Psychological (i.e., paranoia)• Using force that may cause harm to others	<ul style="list-style-type: none">• Racial, cultural, or religious-based• Responsibility for making critical decisions• Peer disapproval

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Self Control, Continued

Managing fear

It is normal for peace officers to experience fear whenever they encounter a potentially dangerous situation.

Discussing fears with others is one step toward managing fear. In addition, going through the mental rehearsal before an incident takes place (“what ifs”) as well as after-action assessments (“what could I have done differently”) will better prepare the officer in dealing with fear.

Other methods for managing fear include focusing on:

- what must be done and not solely on the danger itself
 - evaluating the situation and determining what must be done to achieve the goal
 - the survival phase in order to control the feeling of vulnerability
-

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Self Control, Continued

**Definition
of anger**

Anger is a feeling of displeasure from perceived injury, mistreatment, or opposition, to one's self or to another person. When anger is inappropriate or out of control (i.e., rage), it becomes a liability.

**Recognizing
anger**

Peace officers often act as if they should not have angry reactions to things they see or experience during the performance of their duties. Denying or suppressing anger for long periods may create emotional and physical problems.

**Acceptable
anger**

To a certain extent, anger allows officers to be assertive. It even plays a small role in command presence.

Peace officers have reported that anger appropriately channeled has enabled them to keep fighting, or at least keep trying, during a crisis situation.

The emotional response of anger can either aid or hinder an officer's performance.

Continued on next page

Self Control, Continued

Identifying situations causing anger

It is important for peace officers to acknowledge and recognize that anger is a normal reaction. There are two types of situations that can provoke anger, as explained in the following chart.

Types	Anger-Provoking Situation
Universal	Being attacked or shot at
Personal	<ul style="list-style-type: none">• Individual sensitivities that may prompt a reaction (e.g., history, personality, etc.)• Emotional bruises and other sources of personal vulnerability

Continued on next page

Self Control, Continued

Managing anger

Few people can exercise effective emotional control when their anger is near the top of the scale. To avoid getting to this point, peace officers need to prepare themselves for dealing with anger. Some of these methods are listed in the following chart.

Managing anger by...	The peace officer needs to...
depersonalizing what people say or do.	recognize that the subject is reacting to the uniform and not to the person in the uniform.
identifying anger inducing scenarios.	visualize anger inducing situations (e.g., a child taking drugs, subject beating up partner, etc.).
developing problem-solving solutions.	practice mental rehearsals of different scenarios, do some role-playing, seek advice from more experienced officers, etc.
recognizing the onset.	control breathing, if appropriate take a step back from the situation.

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Self Control, Continued

Examples

Two peace officers made a vehicle stop after the driver ran a stop sign. As the driver came to a stop, one officer indicated to his partner that he thought he recognized the driver from his time in high school. As this officer made the initial contact, his partner noticed he remained polite, but his voice was more formal. As he returned to the patrol vehicle with the man's driver's license, he confided to his partner that this man had started the officer's own brother on a drug habit. The officer then delivered the citation in a matter-of-fact manner with no spare commentary. Talking it out for even a few minutes while the record check was done allowed the officer to control personal anger, some of which he had already directed, appropriately, into increased formality.

Peace Officer and Agency Liability

Introduction Peace officers must recognize the consequences of using reasonable force, and their legal and ethical responsibilities to intervene if the force being used by another peace officer is inappropriate or unlawful.

Unreasonable force Unreasonable force occurs when the type, degree, and duration of force employed was not necessary or appropriate.

Consequences of unreasonable force Malicious assaults and batteries committed by peace officers constitute unlawful conduct. When the force used is unreasonable, the officer can face criminal and civil liability, and agency disciplinary action.

The following chart highlights a number of these consequences:

Consequence	Officers may...
Criminal action	face criminal charges for unreasonable use of authority or force.
Civil lawsuits	face compensatory and punitive damages.
Civil rights violation	be held accountable for civil rights violations.
Administrative or agency action	be subject to disciplinary actions including dismissal.
Moral impact	suffer the consequences of guilt and embarrassment.

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Peace Officer and Agency Liability, Continued

**California
statutes
regarding
officer
behavior**

In the *Penal Code Section 149*, there are a number of statutes that regulate the behavior of peace officers.

The following chart lists some of these statutes:

Description	<i>Penal Code Section</i>
Every officer who is guilty of willful inhumanity or oppression toward any prisoner under his care is punishable by a fine not exceeding four thousand dollars (\$4,000) and by removal from office.	<i>147</i>
Every public officer who, under color of authority and without lawful necessity, assaults or beats any person, is punishable by a fine not exceeding ten thousand dollars (\$10,000) or by an imprisonment in the State prison or in a county jail not exceeding one year or by both fine and imprisonment.	<i>149</i>
A public officer's removal for neglect or violation of official duty; discretion of the court.	<i>661</i>
It shall be unlawful to aid, abet, attempt, or apply cruel, corporal, or unusual punishments in reformatories, institutions, jails, state hospitals, or any other state, county, or city institution.	<i>673</i>

Peace Officer and Agency Liability, Continued

Federal law regarding officer behavior

There are two sections of the United States Code that address an officer's unlawful action:

Description	U.S. Code Section
Peace officers are prohibited from depriving citizens of their rights under the color of the law. If death results, officers may be punished by life imprisonment.	<i>Title 18, Section 242 (Criminal)</i>
Peace officers are prohibited from depriving citizens of their rights under the color of authority.	<i>Title 42, Section 1983 (Civil)</i>

Vicarious liability

The unreasonable use of force by an officer can discredit and result in loss of public support to an officer's agency.

Vicarious liability holds an agency responsible for the conduct of its officers while acting within the scope of their authority. The agency can be:

- liable under Federal civil rights laws
- sued for negligent or inadequate training or failure to supervise adequately

Example: An officer uses unreasonable force by applying a Carotid Restraint Control Hold and has not been trained in this type of control hold.

Consequences of Unreasonable Force

Overview

Learning need Peace officers must recognize the consequences of using unreasonable force, and their legal and ethical responsibilities to intervene if the force being used by another peace officer is inappropriate or unlawful.

Learning objective The chart below identifies the student learning objectives for this section.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• explain the legal and administrative consequences associated with the use of unreasonable force	20.06.EO4
<ul style="list-style-type: none">• explain an <i>agency's</i> potential liability associated with the use of unreasonable force	20.06.EO5
<ul style="list-style-type: none">• explain the consequences of an officer's failure to intervene when unreasonable force is used by another peace officer	20.06.EO6
<ul style="list-style-type: none">• discuss immediate and delayed intervention techniques.	20.06.EO7
<ul style="list-style-type: none">• discuss factors that may inhibit a peace officer from intervening in a situation where a fellow officer may be applying unreasonable force	20.06.EO8

Peace Officer and Agency Liability

[20.06.EO4, 20.06.EO5]

Introduction

Society imposes a tremendous burden upon peace officers when it grants, by statute, permission to use deadly force.

Reasonable force

Peace officers who make or attempt to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance from the person being arrested. They are not considered the aggressor nor do they lose the right of self-defense when they use force to:

- effect an arrest
- prevent escape
- overcome resistance

Justification for the use of force is limited to what is known or perceived by the officer *at the time*. Facts discovered after the event, no matter how compelling, cannot be considered in determining whether the force was justified or not.

Objective of force application

The objective for the use of force by peace officers in any situation is to gain or maintain **control of an individual and the situation**. As conditions change, officers must constantly reevaluate force options.

Peace officers are required to:

- use force only when authorized to do so (e.g., to overcome resistance to a lawful process)
 - use the type of force which is reasonable under the circumstances
 - use reasonable force to overcome resistance and to gain or maintain control
 - use the amount and type of force which is permitted by agency policy
-

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Peace Officer and Agency Liability, Continued

Unreasonable force

Unreasonable force occurs when the type, degree, and duration of force employed was not necessary or appropriate.

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Peace Officer and Agency Liability, Continued

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statutes
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In the *Penal Code Section 149*, there are a number of statutes that regulate the behavior of peace officers.

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Peace Officer and Agency Liability, Continued

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Vicarious liability holds an agency responsible for the conduct of its officers while acting within the scope of their authority. The agency can be:

- liable under Federal civil rights laws
- sued for negligent or inadequate training or failure to supervise adequately

Example: An officer uses unreasonable force by applying a Carotid Restraint Control Hold and has not been trained in this type of control hold.

Failure to Intervene

[20.06.E06]

Introduction

The community expects that its peace officers will use reasonable force, and peace officers will intervene if reasonable force is exceeded. For the community and the officer's protection, the officer must know the laws pertaining to intervention.

This intervention may take the form of one or more of the following actions:

- strongly caution the other officer
 - physically restrain the other officer
 - immediately report the incident
-

Definition

Intervention is the act of attempting to prevent or attempting to stop the inappropriate or unlawful behavior of another.

An officer may face both criminal or civil liability and disciplinary action if they fail to intervene and prevent other officers from violating anyone's constitutional rights if they had reason to know and an opportunity to act. *US v Koon*, 34F. 3d 1416at 1447 (9th Cir., 1994); *Cunningham v Gates*, 229F.3d 1271 at 1289-1290 (9th Cir., 2000)

Continued on next page

Failure to Intervene, Continued

Necessity for intervention

Intervention is necessary because:

- it is required by law
 - it is morally and ethically correct
 - personal integrity demands it
 - it enhances officer safety
 - it preserves professionalism and supports the law enforcement mission
 - it strengthens public confidence in the law enforcement profession and the individual agency involved
 - it reduces personal and agency liability because it results in fewer:
 - physical injuries arising from unreasonable force
 - disciplinary actions and personal complaints
 - criminal complaints filed against officers
 - civil liability suits, including fewer punitive financial judgments against individual officers
-

Fourth amendment protections

The United States Constitution protects individuals from unlawful actions of peace officers.

NOTE: The officer who fails to intervene, for whatever reason, is also held accountable by the United States Code.

Continued on next page

Failure to Intervene, Continued

Lawful resistance

Although *Penal Code Section 834(a)* states that the person being arrested must submit to an arrest, if unlawful or unreasonable force is used to effect the arrest, the person being arrested may lawfully resist to overcome that force.

The following chart lists the applicable penal code sections:

Description	<i>Penal Code Section</i>
Lawful resistance to the commission of a public offense may be made by the party about to be injured or by other parties.	692
Resistance sufficient to prevent the offense may be made by the party about to be injured to prevent an offense against his person, or his family or some member thereof. To prevent an illegal attempt by force to take or injure property in his lawful possession.	693
Any other person, in aid or defense of the person about to be injured, may make resistance sufficient to prevent the offense.	694

Intervention Techniques

[20.06.E07]

Introduction

Intervention may involve the application of techniques for restoring or maintaining professional control. In some situations it may be necessary to intervene immediately. In others, it may be desirable to utilize an intervention strategy after the fact.

Immediate intervention

During a high-stress situation such as making an arrest, peace officers may experience emotional reactions towards the subject. As a result, they may use unreasonable force without realizing what they are doing. At this point it is imperative that a fellow officer intervene immediately to diffuse the situation.

There are three common immediate intervention techniques listed in the following chart:

Intervention Technique	Example	
	Situation	Solution
Verbal	Peace officer is becoming agitated, angry, or appears to be losing professional objectivity during a contact.	Fellow officer offers to assist by saying, "Let me take care of this one, okay?"
Physical/touch	Peace officer is engaged in a heated verbal confrontation with a subject and is starting to become increasingly agitated.	Fellow officer lightly touches the peace officer on the shoulder and offers a tactful reminder to calm down or offers to take over.
Restraint	Peace officer is using unlawful or unreasonable physical force.	Fellow officer physically takes hold of the other officer in order to separate the peace officer from the subject. Intervention must include immediate reporting.

Continued on next page

Intervention Techniques, Continued

Delayed intervention

In situations that have already taken place, it may be necessary to implement a delayed intervention technique. This can be valuable in improving the professional quality of future contacts.

There are three common delayed intervention techniques, listed in the following chart:

Intervention Technique	Example	
	Situation	Solution
Discussion	Peace officer is verbally condescending to someone.	Fellow officer discusses the improprieties of such behavior; this is professionally beneficial.
Admonishment	Peace officer uses inappropriate or demeaning language in contacts with the public.	Fellow officer informs peace officer that this type of behavior is not acceptable, and could likely provoke or escalate the conflict.
Training	Peace officer is having consistent difficulty during contacts with a certain group.	Fellow officer suggests that additional training be pursued. Effective training occurs when an officer consistently demonstrates desirable behaviors.

Duty to report

When unreasonable force is used on a person justifiably or unjustifiably arrested, it is a constitutional violation by the officer who had reasonable opportunity to intervene and did not.

Continued on next page

Intervention Techniques, Continued

Examples

Situation	Subject's/Victim's Action(s)	Type of Intervention
<p>Officers Jones and Smith worked a two-person DUI unit. They stopped a driver for suspicion of DUI.</p>	<p>The driver failed the FST's and was told he would be arrested. The driver was compliant but did not wish to be cuffed.</p>	<p>Immediate intervention: Officer Jones saw that Officer Smith was moving into position to apply a carotid restraint. Officer Jones felt a control hold was safer and more reasonable. Officer Jones applied a front wrist lock on the driver and received immediate compliance. Officer Jones moved into a cuffing maneuver and quickly cuffed the driver.</p>
		<p>Delayed intervention: Officer Smith immediately struck the driver with her impact weapon. The driver was later booked without incident. Officer Jones later discussed with Officer Smith the entire incident. Officer Jones asked Officer Smith why she hit the driver with her impact weapon instead of using a control hold. Officer Smith stated that other options were overlooked. Officer Jones then reported the incident to the supervisor.</p>

Continued on next page

Intervention Techniques, Continued

Examples
(continued)

Situation	Subject's/Victim's Action(s)	Type of Intervention
<p>Officers respond to a call about a suspected burglary at a residence.</p>	<p>While investigating the burglary report call, the victim begins to verbally chastise the officers for taking too much time to respond. While listening to this, the officers see a man run out of the back of the house; the officers give chase.</p>	<p>Immediate intervention: Upon catching the subject, Officer Wong knocks the subject to the ground; the subject went limp and was lying in a fetal position. Officer Kwan arrived as Officer Wong was about to kick the subject. Officer Kwan stepped between Officer Wong and the subject preventing Wong from kicking the subject.</p>
		<p>Delayed intervention: Upon catching the subject, Officer Wong knocks the subject to the ground; the subject went limp and was lying in a fetal position. As Officer Kwan arrived, she saw Officer Wong kick the prisoner two times then assisted with handcuffing. Later Officer Kwan reported the incident to the supervisor.</p>

Intervention Techniques, Continued

Federal law regarding officer behavior

There are two sections of the United States Code that address an officer's unlawful action:

Description	<i>U.S. Code Section</i>
Peace officers are prohibited from depriving citizens of their rights under the color of the law. If death results, officers may be punished by life imprisonment.	<i>Title 18, Section 242 (Criminal)</i>
Peace officers are prohibited from depriving citizens of their rights under the color of authority.	<i>Title 42, Section 1983 (Civil)</i>

Vicarious liability

The unreasonable use of force by an officer can discredit and result in loss of public support to an officer's agency.

Vicarious liability holds an agency responsible for the conduct of its officers while acting within the scope of their authority. The agency can be:

- liable under Federal civil rights laws
- sued for negligent or inadequate training or failure to supervise adequately

Example: An officer uses unreasonable force by applying a Carotid Restraint Control Hold and has not been trained in this type of control hold.

Chapter Synopsis

Learning need Peace officers must recognize that they have the authority to use reasonable force to effect an arrest, to prevent escape, or to overcome resistance under the circumstances authorized by the California Penal Code. For their safety, and well-being of fellow officers, it is critical that peace officers know the laws governing the use of force.

Reasonable force
[20.01.EO1] *Penal Code Section 835a* states: “Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.”

The Fourth Amendment
[20.01.EO2] The U.S. Supreme Court noted that determining the objective reasonableness for the use of force must be *fact specific* and established four components for determining reasonableness.

Subject’s requirement to submit to arrest without resistance
[20.01.EO3] *Penal Code Section 834a* states: “If persons have knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.”

Peace officer’s authority to use restraint during a detention or arrest
[20.01.EO4] *Penal Code Section 835* states, “an arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for their arrest and detention.”

Continued on next page

Chapter Synopsis, Continued

**Penal code
authority
[20.01.EO05]**

Penal Code Section 835(a) grants officers authority to use force under specific circumstances.

**Level of
authority of
specific agency
policies
[20.01.EO6]**

Limitations on the use of force are set by specific agency policy. All such policies are attempts to provide rational guidelines and to protect the officer and agency from criminal and civil liability.

Continued on next page

Chapter Synopsis, Continued

Learning need Peace officers must recognize that they have a range of force options available to them. However, in all cases the use of force must be reasonable compared to the threat, resistance, and other circumstances known to the officer at the time the force was used.

Force option [2.02.EO1] Force options are choices identified to a peace officer in each agency's policy documentation.

Goal of using force to gain control [20.02.EO2] The objective of the use of force by peace officers in any situation is to ultimately gain or maintain control of an individual and therefore the situation.

Officer's use of force vs. subject's level of resistance [20.02.EO3] An officer's selection of the force option or amount of force should be based on the amount or degree of resistance of the subject as well as other relevant conditions or circumstances of the specific situation.

Continued on next page

Chapter Synopsis, Continued

Learning need Peace officers must fully comprehend their authority, responsibility, and liability regarding the use of deadly force as authorized by law.

Legal standards deadly force used against a fleeing subject [20.03.EO1] The Court established four components and prerequisites to an officer using deadly force on a fleeing subject in the line of duty.

Factors required to establish a sufficiency of fear [20.03.EO2] There are three elements needed to establish sufficiency of fear.

- The circumstances must be sufficient to excite the fears of a *reasonable person* in like circumstances.
- The person must not act *under the influence of fear alone*. There has to be some circumstance or overt act apart from the officer's fear.
- The decision to use deadly force must be made *to save one's self or another* from great bodily injury or death.

Considerations when to use deadly force [20.03.EO3] The decision of whether or not to use deadly force may be influenced by the officer's:

- preparation by training
- judgement
- mental alertness
- emotional maturity
- existing circumstances
- understanding of the law as it relates to:
 - agency policies concerning the use, and
 - the amount of force that is objectively reasonable to achieve the law enforcement mission

Continued on next page

Chapter Synopsis, Continued

**Role of
agency
policies
[20.03.EO4]**

Although the law and courts have presented a baseline for the use of deadly force, the conditions under which deadly force may be used are strictly controlled by department policy. *Officers must conform to agency policy, federal and state law.*

**Justifiable
homicide by a
public officer
[20.03.EO5]**

Penal Code Section 196 defines justifiable homicide by a public officer. Homicide by a public officer may be justified when:

- the officer is under orders to carry out a death sentence
 - acting in the course of duty
 - retaking escaping felons
 - arresting a felon who resists to the point deadly force becomes reasonable
-

**Documenting
The Use of
Force
[20.04.E01]**

When a force option has been employed, peace officers' reports must include the critical information to ensure that the chronology, specifics of the events, and the people involved are properly documented.

Continued on next page

Chapter Synopsis, Continued

Learning need Peace officers must be ready to and capable of safely taking control of a dangerous situation.

Factors that affect an officer's responses Two major emotional factors that officers need to focus on during their training:

- [20.05.EO1]
- fear, an emotional response to a perceived threat
 - reasonable
 - unreasonable
 - anger, a feeling of displeasure from perceived opposition.
 - indecision
 - hesitation
-

Techniques for managing anger Few people can exercise effective emotional control when their anger is near the top of the scale. To avoid getting to this point, peace officers need to prepare themselves for dealing with anger-inducing events.

[20.05.EO4]

Consequences of Unreasonable Force Peace officers must recognize the consequences of using unreasonable force, and their legal and ethical responsibilities to intervene if the force being used by another peace officer is inappropriate or unlawful.

[20.06.E06
20.06.E07]

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. When considering what force is reasonable, peace officers must remember that, as officers, they have rights as well. Outline each of these rights and explain how they might apply when dealing with a violent subject who is resisting arrest.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

2. Explain why it is important for peace officers to be familiar with their agency's policies on use of force, even though they may thoroughly understand the U.S. Supreme Court standards as well as the California Penal Code regarding an officer's authority to use force.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

3. One of the factors that must be considered in selecting a force option is the characteristics of the individual peace officer as compared with those of the subject. Use the charts below to compare your personal characteristics at this time to those of the subjects shown. Why is it important to objectively assess your own characteristics and capabilities?

Officer	Subject - Male
	Size: approximately 6' 3" and 230 pounds
	Age: 24
	Capabilities: gun enthusiast and marksman, possibly armed, muscular and athletic
	History: past record of domestic violence (battery), several speeding tickets, one conviction for DUI

Officer	Subject - Female
	Size: approximately 5' 3" and 110 pounds
	Age: 30
	Capabilities: unknown, athletic build, accompanied by young child
	History: no record on file

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

4. Using the information in the charts from Activity 1, consider each subject separately and explain how and why you might react differently to each person when encountered in the following scenario:

A subject is encountered during a traffic stop. A records check reveals a current warrant for arrest under suspicion of grand theft. The subject exits the car as directed but passively resists all other commands. The subject's hands remain in jacket pockets.

5. Give an example of a force option at each of the following levels of force:
- low
 - moderate
 - high
 - deadly

Next, outline a scenario for each option in which you think that force option might be acceptable.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

6. In your own words explain the concept of “sufficiency of fear” required to justify the use of deadly force.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

7. Give two examples in which use of deadly force would probably not be justified against a fleeing subject.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

10. Do a personal assessment. Honestly consider what your biggest fear is about your role as a law enforcement professional. Then, do a mental rehearsal about what you will do in a situation where this fear may be triggered.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

11. From an emotional and mental standpoint, why is it important for officers to engage in ongoing training and practice of their skills? How could lack of training affect fear and anger responses in a peace officer?

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Chapter 2

Arrest Methods/Defensive Tactics Learning Domain 33

Overview

Principles of Defensive Tactics

Learning need

For their own safety and the safety of others, peace officers must maintain awareness and respond appropriately when confronted by a potential hazard or threat.

Learning objectives

The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• demonstrate principles of defensive tactics to include:<ul style="list-style-type: none">- awareness- balance- control	33.01.EO1 33.01.EO2 33.01.EO3
<ul style="list-style-type: none">• describe parts of an officer's body that are most vulnerable to serious injury	33.01.EO4
<ul style="list-style-type: none">• describe parts of an officer's body that may be used as personal weapons for self-defense or to overcome resistance by a subject	33.01.EO5

Continued on next page

Overview, Continued

In this chapter This section focuses on principles of defensive tactics. Refer to the following chart for specific topics.

Topic	See Page
Principles of Defensive Tactics	2-3
Awareness	2-6
Balance	2-10
Control	2-11
Parts of the Body Vulnerable to Serious Injury	2-12
Body Parts as Personal Weapons	2-15

Principles of Defensive Tactics

Introduction

Defensive tactics is the art of avoiding an attack, fending off an attack, or eliminating the subject's ability to attack.

Justification for use of force

Penal Code 835a states: "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."

The role of a peace officer

Essential job functions of a peace officer are to defend the public and to safely take a subject into custody. A peace officer's actions must be legally justified based on reasonable suspicion and/or probable cause.

<p>The peace officer's role in physical arrests is essentially defensive.</p>
--

Continued on next page

Principles of Defensive Tactics, Continued

The role of a peace officer (continued)

The following chart further illustrates a peace officer's role.

The role of a peace officer is...	The peace officer...
defensive.	Should look ahead for potential hazards or threats to avoid the hazards or threats before they occur.
<i>Not</i> offensive.	May initiate the first physical contact of control only in response to the subject's resistance, aggression, or noncompliance.
<i>Not</i> passive.	Is not required to endure (i.e., remain) without resistance when faced with a hazard or threat.

Leadership

An officer trained to the highest level of proficiency and comprehension of the law and the knowledge and skillful application of arrest methods is less likely to panic and misuse force than an officer who is not effectively trained. A thoughtful, well-trained officer is able to make good leadership decisions, intervene effectively, prevent potential conflict, and convey confidence during arrest situations.

Emotional as well as physical

Emotions can arise from many different factors and can affect both the arresting officers and subjects. If officers allow emotions to affect their judgement, they may lose control; the same is true of subjects.

An arrest is an emotional situation as well as physical.

Continued on next page

Principles of Defensive Tactics, Continued

Emotional as well as physical (continued)

The following chart lists examples of the responses officers and subjects may experience during an arrest process.

Officers	Subjects
<ul style="list-style-type: none">• anger• fear• prejudices• peer pressure• personal problems	<ul style="list-style-type: none">• anger• fear• embarrassment• loss of freedom• prejudices• peer pressure• personal problems

The mind and body as one

To be effective in an arrest situation, a peace officer must learn to develop the mind and body and train them to function as one. This interaction must become routine.

The mind and body are one.

Distractions can separate the mind from the body. When officers become distracted, they become vulnerable.

Community policing

Community members want their officers to possess the skills necessary to subdue violent and dangerous subjects. They also want officers to use these skills to apply only the amount of force that is reasonable to effect an arrest, to overcome resistance, or to prevent escape. Force should never be used to punish subjects. In the American criminal justice system, punishment in the form of judgements is the sole responsibility of the courts.

Awareness

[33.01.EO1]

Introduction

Awareness, as it relates to defensive tactics, means being alert to any potential threats a peace officer may face when approaching or interacting with a subject or a potentially dangerous situation.

Foundations of defensive tactics

There are three basic principles that make up the foundation of defensive tactics. All other skills or techniques will be reduced or neutralized if an officer does not practice control in a stressful situation.

- Awareness
- **Balance**
- Control

NOTE: Awareness and control of the hands continues to be a universal safety point.

Cover and concealment

Peace officers must be aware of surrounding objects or areas that may be used as protection and concealment for the subject as well as themselves. Cover offers protection, while concealment only offers a place to hide.

Be aware of cover. Use, be ready to use, and/or move to cover when necessary. The use of available cover continues to be a basic tactical consideration.

Continued on next page

Awareness, Continued

Cover and concealment (continued)

The following chart gives examples that illustrate the difference between cover and concealment.

Cover	Concealment
<ul style="list-style-type: none">• trees• walls – such as cement block or brick• buildings, dumpsters• vehicles	<ul style="list-style-type: none">• shrubs and bushes• doorways• vehicles

Potential hazards

Peace officers are vulnerable to potential harm when approaching a subject. However, if they are aware of specific hazards that could endanger them, they can minimize potential harm. The following chart suggests a few potential hazards peace officers should consider when approaching a subject.

	Potential Hazards	Avoiding Harm
Subject's Hands	Typically, it is the subject's hands (or what may be in them) that cause harm.	<ul style="list-style-type: none">• If the subject's hands are in the pockets, do not tell the subject to remove them.

Continued on next page

Awareness, Continued

Potential hazards
(continued)

	Potential Hazards	Avoiding Harm
Weapons and Potential Weapons	Weapons can cause serious harm or death to peace officers or others in the immediate area.	<ul style="list-style-type: none"> • Be aware of any object that could be used as a weapon, including but not limited to: <ul style="list-style-type: none"> - guns - bottles - knives - kitchen implements - pens/pencils - tools • Visually check the subject for areas that may conceal a weapon.
Friends or Associates of the Subject	Friends or associates in the immediate area could threaten peace officers' safety and help the subject escape.	<ul style="list-style-type: none"> • Be aware of anyone who could come to the subject's aid, including but not limited to: <ul style="list-style-type: none"> - relatives - sympathizers - friends - animals
Potential Escape Routes	A subject may know the area better than the officer; the subject may lead the officer into a trap.	<ul style="list-style-type: none"> • Be aware of potential escape routes for subject and officers, including but not limited to: <ul style="list-style-type: none"> - doorways - dark yards - alley ways - dark rooms - trees - vehicles

Continued on next page

Awareness, Continued

Potential hazards
(continued)

	Potential Hazards	Avoiding Harm
	<p>Footing and Environment</p> <p>Because of the terrain, poor footing or conditions may limit the officer's alternatives for responding to a threat.</p>	<ul style="list-style-type: none"> • Be aware of the surrounding conditions and obstacles including but not limited to: <ul style="list-style-type: none"> - uneven terrain, - shrubs and bushes, - gravel and sandy areas, - weather conditions (e.g., rain, ice, snow), - water hazards, - furniture, curbs, steps, - footing (e.g., loose gravel, slick floors), - lighting

Balance

[33.01.EO2]

Introduction

Balance, as it relates to defensive tactics, is the position that allows the officer to move in any direction with strength and coordination to maintain an advantage.

Balanced stance

A balanced stance is an essential component of any subject contact.

To maintain a balanced stance peace officers should:

- keep the gun side away from the subject
 - keep weight evenly distributed over the balls of the feet
 - bend the knees slightly – do not lock them
 - keep feet approximately shoulder width apart
 - keep the body relaxed
 - stay alert
-

Proper distance

Officers should maintain a proper distance between themselves and the subject in order to maintain a reactionary gap.

To insure a proper distance, peace officers should:

- be able to see the subject from head to foot and everything in between
 - observe any body movement which may indicate any offensive or dangerous movement
 - always keep weapons as inaccessible to the subject as possible
-

Control

[33.01.EO3]

Introduction

Control, as it relates to defensive tactics, means maintaining composure to make sound judgements and decisions.

General control

General control is the degree of *influence* that peace officers must exert over subjects in order to take them safely into custody. The subject may still have options for movement while under the general control of a peace officer.

Physical control

Physical control is the application of specific control holds or other techniques applied by a peace officer which allows the subject to move only in the direction and manner the peace officer chooses.

Confidence

Both general and physical control are *gained through confidence*. Confidence is achieved from proper, adequate, and ongoing training to understand basic principles and theories. Control is *enhanced through practice*, along with the acceptance of the basic principles and theories.

To practice without understanding the principles and theories is just as impractical as having theories and principles without the practice. They are both part of the whole. Both are equally necessary to meaningful control and defensive tactics training.

Parts of the Body Vulnerable to Serious Injury

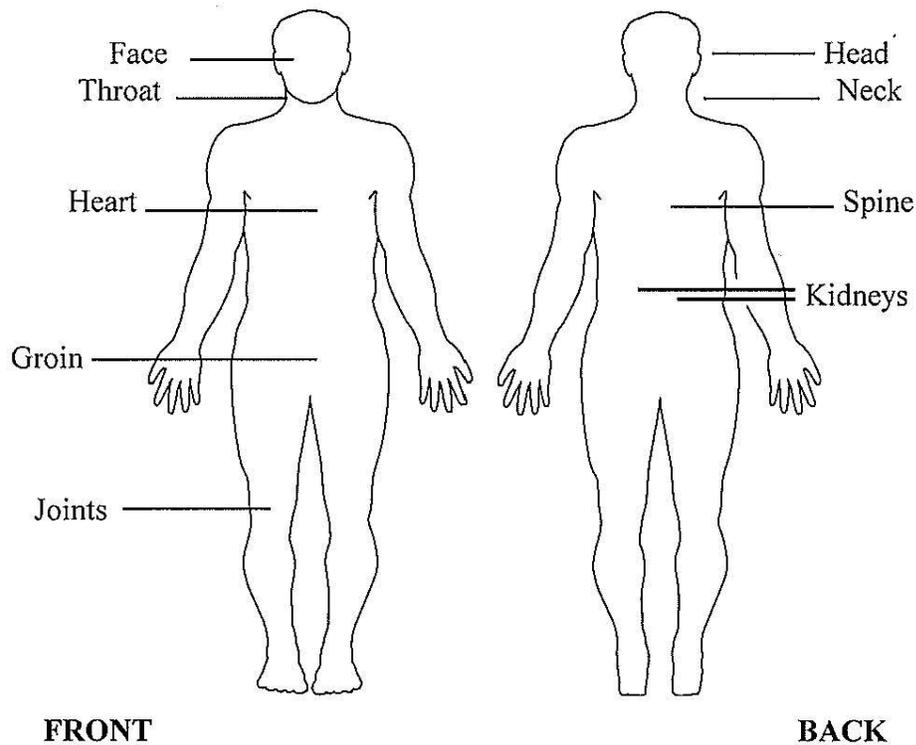
[33.01.EO4]

Introduction

A blow of sufficient force with any personal body weapon to a vulnerable part of body during an attack could result in injury or fatality.

Awareness of vulnerable body parts

During a confrontation, peace officers need to be aware of those areas of the body which require maximum protection as well as those on an assailant's body which might be injured.



Continued on next page

Parts of the Body Vulnerable to Serious Injury, Continued

**Upper body:
head and
neck**

The head and neck region can be vulnerable to severe injury during an attack.

An injury to the...	Could result in...	Attacks may include...
skull	death.	<ul style="list-style-type: none"> • a blow to the face area, possibly causing disfigurement, • a blow to the temple or to the skull at the junction of jaw and ear, possibly damaging major blood vessels, or • a blow at the junction of head and neck, possibly severing the spinal cord.
neck area	damage to the central nervous system.	<ul style="list-style-type: none"> • a blow to the back of the neck, possibly displacing vertebrae or severing the spinal cord.
throat area	death.	<ul style="list-style-type: none"> • a blow to the throat, possibly crushing the trachea or fracturing the cricoid or thyroid cartilage, or • a fracture to the hyoid bone at the base of the tongue, possibly causing swelling and leading to suffocation.

Continued on next page

Parts of the Body Vulnerable to Serious Injury, Continued

**Mid-body:
below the
neck**

The following parts of the body located between the neck and feet can be vulnerable to injury during an attack a subject.

An injury to the...	Could result in...	Strikes.....
spine	partial or complete paralysis.	A blow to the spine, possibly damaging or cutting the spinal cord.
kidneys	circulatory damage.	A blow to the kidneys (located 3/4 of the way down the back).
joints	breakage or permanent injury.	A blow to the joints (elbows, knees, and ankles).
groin	severe pain and internal bleeding and injury to the reproductive organs (for both males and females).	A blow to the groin or crotch.

Body Parts as Personal Weapons

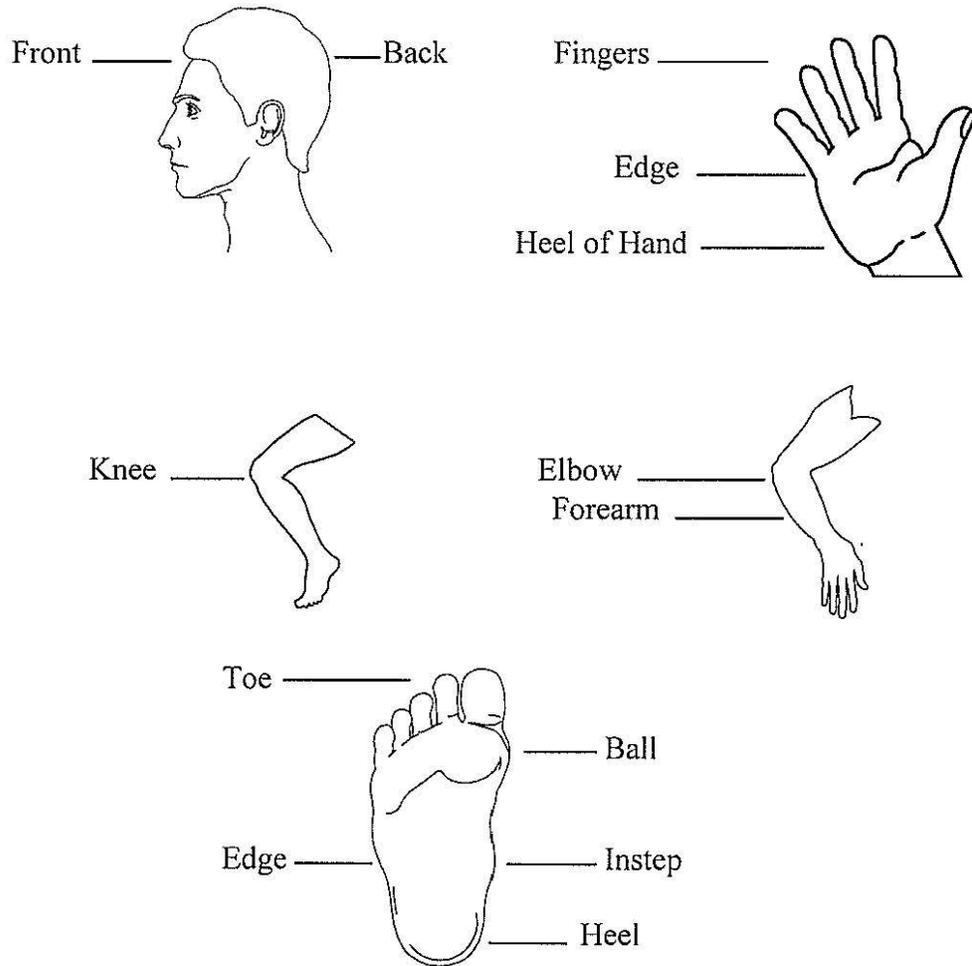
[33.01.EO5]

Introduction

Some body parts may be used as personal weapons against peace officers by a combative subject. These body parts may also be used in self-defense to overcome resistance.

Personal weapons

Personal body weapons may include:



Continued on next page

Body Parts as Personal Weapons, Continued

Personal weapons (continued)

Peace officers need to learn exactly how to use personal weapons to their advantage and safety. The following chart lists the body parts that can be used as personal weapons.

Body Part	Use
Head	Both the front and back of the head might be used for butting
Hands	Parts of the hands used for striking include: <ul style="list-style-type: none"> • fist – knuckle area of clenched hand used for punching • hammer fist – lower edge of joined fist used for pounding blows • blade edge – edge of the hand/little finger used for chopping blows • fingers – tips of extended hand used for poking • heel of hand – lower palm area of the hand for palm heel strikes
Arms	Parts of the arm include: <ul style="list-style-type: none"> • elbow – used to strike • forearm – used for sharp, quick blows
Legs	The knee's top or point used to make contact
Feet	Parts of the feet include: <ul style="list-style-type: none"> • instep – raking • heel – kicking or stomping (when applied to the arch, can generate serious incapacitating pain) • ball of foot – kicking or stomping • edge of foot – kicking or stomping • toe – kicking

Person Searches

Overview

Learning need Conducting a person search can be dangerous for peace officers. A peace officer's actions and reactions in these situations should always allow for a margin of safety while maintaining a position of advantage.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• explain factors to consider when approaching a subject and conducting a plain view search	33.02.EO1
<ul style="list-style-type: none">• demonstrate an approach to safely and effectively conduct a person search	33.02.EO2
<ul style="list-style-type: none">• discuss locations where weapons and/or contraband can be concealed on a subject's body	33.02.EO3
<ul style="list-style-type: none">• explain agency considerations and restrictions that may be common regarding a search of a person of the opposite sex	33.02.EO4
<ul style="list-style-type: none">• explain cover officer responsibilities	33.02.EO6
<ul style="list-style-type: none">• discuss cover officer responsibilities during a search of a subject	33.02.EO5

Continued on next page

Overview, Continued

In this chapter This section focuses on person searches. Refer to the following chart for specific topics.

Topic	See Page
Introduction to Person Searches	2-19
Elements of an Effective Person Search	2-24
Responsibilities of Searching and Cover Officers	2-31

Introduction to Person Searches

[33.02.EO1]

Introduction

Person search techniques were designed to provide peace officers with a margin of safety while giving them an advantage over the subject. Person searches usually are done as part of a detention or arrest procedure.

Plain view

Technically, plain view (visual) searches are not searches. They do not require **reasonable suspicion** or **probable cause**. A visual search is part of an officer's general awareness, one of the basic principles of defensive tactics.

As peace officers approach a subject they should be aware, at a minimum, of:

- subject's clothing
 - location of the subject's hands
 - proximity of the subject's obvious or potential weapons
 - additional subjects
-

Cursory/ frisk search

A **cursory/frisk search** of a legally detained person is to ensure the safety of the officer. A frisk affords the peace officers the least amount of control when compared to other types of person searches.

To lawfully conduct a cursory/frisk search, peace officers must have:

- lawfully detained the subject
 - articulable facts which support a reasonable suspicion that the subject may be armed or dangerous
-

Continued on next page

Introduction to Person Searches, Continued

Cursory/ frisk search (continued)

The scope of a cursory/frisk is limited to searching:

- for *weapons only*
- the subject's outer clothing

During the search, once the searching officer realizes or decides an item is not a weapon, the officer must move on with the search.

Consent search

A **consent search** is conducted by peace officers with the *expressed or implied consent* of the person to be searched. By consenting, the subject has temporarily relinquished any expectation of privacy for the area to be searched.

There are two conditions that are required for an officer to conduct a consent search.

- The officer must have the clear, voluntary, and unequivocal consent of the person to be searched.
 - *Expressed consent* is given orally or in writing.
 - *Implied consent* may be manifested by signs, actions, or gestures.
- The person to be searched must have the actual or apparent authority to consent to the search.

The scope of a consent search is limited to those areas specifically consented to by the subject (e.g., pockets, handbags, etc.).

Continued on next page

Introduction to Person Searches, Continued

Searches incident to arrest

A **search incident to an arrest** is a search that takes place at or near the time of a lawful arrest. This type and degree of search permits peace officers to search for and seize weapons or crime-related evidence which the subject might otherwise use or destroy.

The requirements of a lawful person search incident to an arrest include the following:

- The search must be pursuant to a custodial arrest
- The arrest must be lawful
- The search must be a part of the arrest procedure

The scope of a search incident to arrest includes any area within the arrestee's immediate control. This may include:

- full searches of an arrestee's person
- containers on the arrestee's person, regardless of the kind of crime the person is being arrested for
- the nearby physical area from which the arrestee could grab a weapon, or conceal evidence

Continued on next page

Introduction to Person Searches, Continued

Choice of search technique and level of control

To maximize officer safety during any type of person search, peace officers must select a search technique and level of control suitable to the situation and conditions. The following chart notes some of the factors officers should consider.

Factor	Officer Considerations
Reason for detention or type of offense	<ul style="list-style-type: none">• Search for weapons only, with no initial intent to arrest• Misdemeanor cite and release• Nonviolent offense or a serious, violent, or armed offense
Number of subject(s)	<ul style="list-style-type: none">• Single subject• Multiple subjects, peace officers may select a search technique that would give them a higher level of control during the search (i.e., handcuffing)
The subject's appearance and actions	<ul style="list-style-type: none">• Bulges showing from under a subject's clothing• Location of the subject's hands• Subject's level of cooperation• Subject's attempt to hide an unknown object• Mannerisms that are overly nervous or aggressive• Suspicion of drug or alcohol use

Continued on next page

Introduction to Person Searches, Continued

Choice of search technique and level of control
(continued)

Factor	Officer Considerations
Conditions at time of the contact or arrest	<ul style="list-style-type: none"> • Weather (visibility) • Terrain and other physical characteristics of the area • Possible escape routes • Areas of possible cover or concealment • Potential involvement of friends and associates • Time of day - light of day or dark of night (visibility) • Location - isolated or high traffic • Number of officers available
Prior knowledge of the subject	<ul style="list-style-type: none"> • Existing criminal record • Prior knowledge of the subject possessing weapons • History of violent behavior
Physical/emotional limitations	<ul style="list-style-type: none"> • Officer's size, physical ability, training and experience • Subject's size and indications of physical ability • Emotional state of the subject • Realistic assessment of degree of control reasonable to take the subject safely into custody

Elements of an Effective Person Search

[33.02.EO2, 33.02.EO3, 33.02.EO4]

Introduction

Conducting a person search properly, efficiently, and safely is one of the most important steps in a detention or arrest procedure. There are a number of techniques peace officers can choose with varying levels of control to use on a subject. No matter what technique is used, though, there are issues and principles common to all.

Principles of defensive tactics

Every search carries an element of danger to the officer, as well as the potential for an escape by the subject. An officer's ability to apply the three principles of defensive tactics are critical.

	Peace officers must always...
Awareness	<ul style="list-style-type: none">• remain constantly alert.• be aware of the surrounding environment at all times.• be conscious of the subject's actions, no matter how slight.• maintain communication with the cover officer.
Balance	<ul style="list-style-type: none">• be in a balanced position of advantage while keeping the subject off balance and in a position of disadvantage.
Control	<ul style="list-style-type: none">• have control of the subject (search with one hand; control the subject with the other).• maintain control of their own weapons by keeping them out of the subject's reach.• have control of all weapons.

Continued on next page

Elements of an Effective Person Search, Continued

Systematic approach for all person searches

A peace officer's first goal when conducting a person search is to maximize their own personal safety. By following a systematic approach and process while conducting a person search, peace officers are less likely to overlook a potentially dangerous weapon.

A systematic search should include the most likely areas where a weapon might be hidden. This includes but is not limited to the subject's:

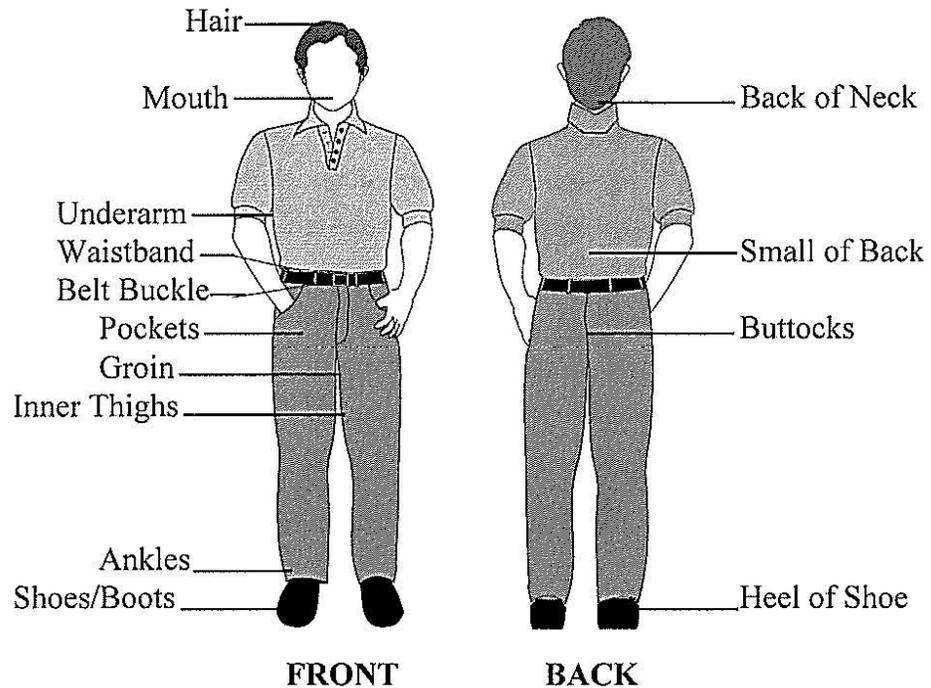
- front waistband
- upper body (including the chest, front pockets, armpits, sleeves, and sides)
- back (including the rear waistband and buttocks) area
- lower body (including the legs and ankles)

Continued on next page

Elements of an Effective Person Search, Continued

Potential locations for weapons concealment

There are a number of locations on a person where a weapon may be concealed.



Continued on next page

Elements of an Effective Person Search, Continued

Potential locations for weapon concealment
(continued)

The following chart lists a number of possible sites that may be checked, but not limited to, during a systematic person search and potential weapons or other items that might be found in these locations.

Upper Body	Torso	Lower Body
Hat or Scarf - knives - gun - razors - drugs	Waistband - guns - knives Front pockets - knives - contraband - guns - ammunition - razors and blades	Inner thighs - guns (holster) - knives (sheaths) - contraband
Hair - hairpins - knives	Small of back - guns - knives - stun guns - ammunition	Ankles - knives - razor blades - guns
Mouth - drugs - contraband	Belt buckle - knives - daggers - guns	Shoes or Boots - knives - guns
Underarms - guns - knives - razors - nunchaku - throwing stars	Groin and buttocks - contraband	Heel of shoe - contraband

Continued on next page

Elements of an Effective Person Search, Continued

Potential locations for weapon concealment (continued)

Upper Body	Torso	Lower Body
Back of neck (between shoulder blades) - knives - throwing instruments	Wallet or purse - guns - knives - razors	
Brassiere - knives - guns - contraband	Jewelry (designed for weapon use) - necklaces or bracelets - rings	

Locating a weapon during a person search

If a weapon is located on a subject, peace officers must assume the subject is prepared to use it. If a weapon is located, the subject should be considered dangerous.

The following chart describes steps a peace officer may take if a weapon has been located during a person search.

Possible actions	Including...
Immediately inform the cover officer	<ul style="list-style-type: none"> Identifying the type of weapon found (e.g., knife, handgun, etc.). Identifying the location of the weapon (e.g., waistband, right jacket pocket, etc.).

Continued on next page

Elements of an Effective Person Search, Continued

Locating a weapon during a person search (continued)

Possible actions	Including...
Maintain control of the subject	<ul style="list-style-type: none">• If the weapon is <i>accessible</i>, confiscating the weapon.• If the weapon is <i>inaccessible</i>, escalating to a higher-risk search technique and greater level of control before confiscating the weapon.
Continue the search	<ul style="list-style-type: none">• Continue searching for additional weapons. <p>** Never assume a subject carries only one weapon.</p>

NOTE: Individual agency policies may vary regarding actions to be taken by the searching and cover officer if a weapon is located on a subject.

Searching individuals of the opposite sex

Normally, the decision to search a member of the opposite sex should be based on the same criteria as for a search of a person of the same sex. This includes but is not limited to the following:

- Nature of the crime (Was it a crime involving force or threat of force?)
 - Presence of a weapon (Is there an indication that a weapon was used to commit the crime?)
 - Appearance of the subject (Could the subject's clothing reasonably conceal a weapon?)
 - Known facts about the subject (Is the subject known to carry a weapon?)
-

Continued on next page

Elements of an Effective Person Search, Continued

Agency policy regarding searching individuals of the opposite sex

Agencies vary in policy regarding searching individuals of the opposite sex. These policies exist to protect peace officers from potential litigation regarding their conduct. **Peace officers should be aware of and follow their agency's procedures.**

Procedures common in all agency policies may include, but are not limited to:

- maintaining officer safety
 - the availability and use of officers of the same sex
 - acceptable search techniques
 - how to avoid false claims of misconduct or sexual assault
-

Responsibilities of Searching and Cover Officers

[33.02.EO5, 33.02.EO6]

Working as a team

Ideally, there will be two peace officers available when conducting a person search. Even so, both officers do not actively take part in the searching. The specific responsibilities of the cover officer complement those of the searching officer.

Officer responsibilities

The searching officer is responsible for controlling the subject and conducting the actual search. The primary responsibility of the cover officer is to insure the safety of both. The responsibilities listed in the chart below are common to all search techniques.

Responsibilities of the Searching Officer	Responsibilities of the Cover Officer
Be constantly alert	
Maintain a position of advantage	
Safeguard their weapons	
Conduct the search systematically	Maintain constant observation of the overall situation; be aware of possible dangers and potential interference
Make sure the search is thorough	Exhibit command presence or professional demeanor toward subject being searched
Search from the rear and never from the front	Protect the searching officer from possible interference by onlookers or associates of the subject

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Responsibilities of Searching and Cover Officers, Continued

Officer responsibilities
(continued)

Responsibilities of the Searching Officer	Responsibilities of the Cover Officer
Maintain control of the subject; search with one hand and control with the other	Assist in restraining the subject if necessary
Alert cover officer if a weapon or contraband is located on the subject	Assist the searching officer by taking possession of any found weapons or contraband, if necessary, allowing the searching officer to continue the search

Multiple suspects

When there is more than one subject, the cover officer's role is to protect the searching officer by watching the other subjects during the search process.

Controlling Force: Control Holds and Takedown Techniques

Overview

Learning need Peace officers must be ready and physically capable of taking control of a subject and to justify their actions if the subject refuses to follow verbal commands, physically resists, or attempts to attack the peace officer during a detention or arrest situation.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• discuss a peace officer's justification to use controlling force on a subject	33.03.EO1
<ul style="list-style-type: none">• explain advantages and limitations a peace officer should consider when applying a control hold	33.03.EO2
<ul style="list-style-type: none">• explain advantages and limitations a peace officer should consider when performing a takedown technique	33.03.EO3

Continued on next page

Overview, Continued

In this chapter This section focuses on control holds and takedown tactics. Refer to the following chart for specific topics.

Topic	See Page
Use of Controlling Force	2-35
Control Holds	2-37
Takedown Techniques	2-39

Use of Controlling Force

[33.03.EO1]

Introduction The primary objective of the application of controlling force is to gain compliance of a subject. Peace officers must be prepared to use physical force to overcome resistance and gain control of a subject.

Spectrum of force options Basic use of force philosophy defines the degree or amount of force which may be reasonable to overcome resistance. Once control is obtained, the degree of force used should be reevaluated.

Ethics It is illegal and immoral for peace officers to use their authority and position to punish anyone. When peace officers become law breakers by engaging in acts of “street justice” they lose public trust and support. Also, the officers subject themselves and their agency to substantial liability.

Officer vulnerability When using controlling force, officers must be constantly aware that they are close to the subject and therefore vulnerable to attack.

Importance of balance When dealing with a subject, peace officers should be in a well-balanced stance. Officers must be able to move without losing balance and quickly place themselves in position to control the suspect.

When applying controlling force, all foot movements of an officer are used in conjunction with upper body techniques. Officers must coordinate both to accomplish the movement.

Peace officers must continually train in balance and coordination to effectively apply controlling force.

Continued on next page

Use of Controlling Force, Continued

Controlling force

The primary goal of using force is to gain compliance of a subject. Officer considerations for using force include, but are not limited to, the:

- subject's display of aggressive or assaultive behavior
 - physical size of the subject (compared to the officer)
 - need for immediate control of the subject due to tactical considerations
 - officer's perception of the subject's knowledge of the martial arts or other skills
 - inability to control a subject by other means
-

Application of force

If the subject resists or does not respond to the control hold, the officer may apply additional force, which causes the subject to comply. Once compliance is achieved, the force applied should be reevaluated.

Reevaluation of controlling force

Peace officers must be constantly reevaluating the level of force being used to control a subject. Officers must be prepared to transition to appropriate controlling force based on the current situation.

NOTE: Subjects under the influence of drugs or alcohol may not comply immediately to physical force. In such cases the officer has to use other techniques.

Control Holds

[33.03.EO2]

Definition

A **control hold** is a method for physically controlling a subject by manually applying pressure until the peace officer has control over the subject.

Primary objective

The primary objective of a control hold is to gain control of a subject using reasonable force.

Benefits

The proper use of a control hold can help an officer:

- effectively control a subject
 - avoid injury
 - guide a subject in a desired direction
 - control a subject for searching
 - control a subject while handcuffing
 - prevent escape
-

Continued on next page

Control Holds, Continued

Considerations when using a control hold

The following chart highlights a number of considerations peace officers should be aware of when a control hold is used on a subject:

Consideration	Explanation
Control holds can be used for direction and control.	If a subject resists or does not respond to the control hold, the officer may initiate pain in order to obtain compliance. Once compliance is achieved, the controlling force should be reevaluated. The force used must be reasonable.
Close proximity of the officer and the subject.	Officers are within striking distance of the subject during the use of a control hold and the officer's weapon may be accessible to the subject. An officer may be able to respond faster through touch than by sight.

Continued training

Ongoing training is critical for peace officers and is necessary to maintain proficiency with control holds.

Takedown Techniques

[33.03.EO3]

Definition

A **takedown technique** is a method for taking the subject to the ground so control can be established.

Primary objective

The primary objective of a takedown technique is to gain control of a subject.

Benefits

The proper use of a takedown technique may help an officer:

- diffuse a situation
 - achieve greater control over a subject
 - distract a subject
 - control a situation
-

Considerations when using a takedown technique

The following chart highlights a number of considerations peace officers should be aware of when a takedown technique is used.

Consideration	Explanation
Close proximity of the officer and the subject.	Officers are within striking distance of the subject during a takedown technique and are vulnerable to attack. The physical motion of a takedown technique may distract the officer and allow the subject to gain access to the officer's weapon.
A single technique may not be adequate to gain complete control of the subject.	Officer must be prepared to transition to another technique if the one currently being used is not working.

Continued on next page

Takedown Techniques, Continued

**Continued
training**

**Ongoing training is critical for peace officers and is necessary to
maintain proficiency with takedowns.**

Restraint Devices

Overview

Learning need The application of a restraint device (i.e., handcuffs, plastic flex cuffs, leg restraint devices, full body restraints) on a subject can be a difficult and potentially dangerous task for a peace officer. Peace officers must be proficient in the use of proper methods to ensure their safety and the safety of the subject.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to . . .	E.O. Code
• explain the purpose of using restraint devices on a subject	33.05.EO1
• explain potential hazards when using handcuffs as a restraint device	33.05.EO5
• demonstrate the correct positioning of handcuffs on a subject	33.05.EO3
• discuss the responsibilities of the contact and cover officers when handcuffing multiple subjects	33.05.EO4

Continued on next page

Overview, Continued

In this chapter This section focuses on the characteristics of using handcuffs and other restraint devices. Refer to the chart below for specific topics.

Topic	See Page
Introduction to Restraint Devices	2-43
General Guidelines for Use of Handcuffs	2-45

Introduction to Restraint Devices

[33.05.EO1]

Introduction

Restraint devices, such as handcuffs, are safety devices for both peace officer and prisoner. They limit movement and restrict, but they do not provide total control.

Objective of using a restraint device

Peace officers are responsible for their prisoners at all times while in custody. All restraint devices are *temporary* restraining devices used to limit a prisoner's actions. They do not totally immobilize a subject.

Restraint devices are used to minimize:

- attack on the officer or others
 - escape of the prisoner
 - destruction or concealment of evidence or contraband
 - self-inflicted injury by subject
 - combat between prisoners
-

Agency policies

Agency policies may vary regarding the use of different restraint devices. Peace officers should be familiar with their own agency policies regarding limitations and procedures for using restraining devices.

Types of restraint devices

There are a variety of devices peace officers can use to temporarily restrain a subject. Any restraint device used by peace officers must be used only according to agency policies.

Although this chapter discusses the most widely used control device, handcuffs, there may be a number of other devices available to peace officers.

Continued on next page

Introduction to Restraint Devices, Continued

Types of restraint devices (continued)

The following list identifies some types of restraining devices.

- Handcuffs
 - Plastic flex cuffs
 - Leg restraint devices
 - Full body restraints
-

General Guidelines for Use of Handcuffs

[33.05.EO2, 33.05.EO5, 33.05.EO4]

Introduction

The most common restraint device available to peace officers is handcuffs. In order to maximize their effectiveness peace officers must be knowledgeable and skilled in their use.

Handcuff nomenclature

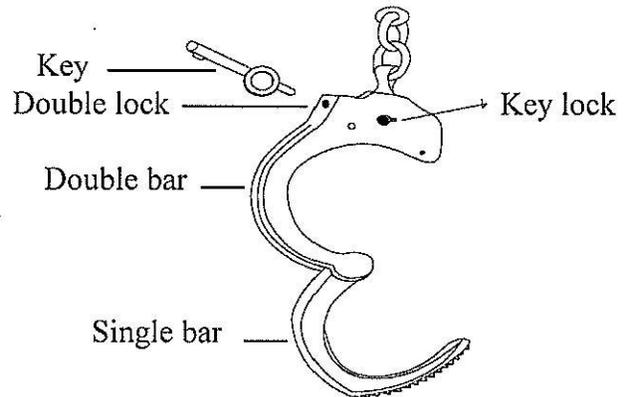
Peace officers must be familiar with the parts of the handcuff. The main components of the handcuff are illustrated below:

Locking Mechanisms

- Key
- Double lock
- Key lock

Restraining Bars

- Double bar
- Single bar



Continued on next page

General Guidelines for Use of Handcuffs, Continued

Hazards of handcuff use

Handcuffs are *temporary* restraining devices. They do not totally immobilize a prisoner. Because a subject is handcuffed does not mean officers can relinquish responsibility to maintain constant observation and control of their prisoner. The chart below illustrates some hazards that may be associated with handcuff use.

If . . .	then there is the possibility of . . .
a subject is left unattended in an officer's vehicle	<ul style="list-style-type: none">• prisoner escape• threat to officer safety• harm to the prisoner• destruction of evidence• threat to public safety• potential harm to the subject
visual contact and control of the subject are not maintained	
handcuffs are not applied properly	
a subject is handcuffed to a stationary object	

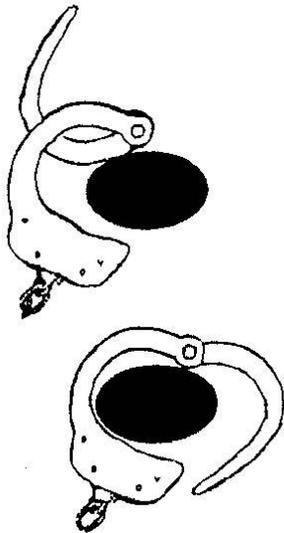
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General Guidelines for Use of Handcuffs, Continued

Guidelines for position and application

Hands should be placed behind the prisoner's back whenever possible to enhance the officer's control of the prisoner. Correct placement of handcuffs on the prisoner's wrists is essential for preventing injury or escape.

Additional guidelines for positioning handcuffs on a prisoner include the following:



- Handcuffs should be applied on the subject's bare wrist between the hand and the protruding ulnar bone
- The shape of the handcuff should correspond with the shape of the subject's wrist
- Handcuffs should be properly adjusted. Too tight may cause reduced circulation or nerve damage. Too loose could allow the prisoner to escape
- Handcuffs should not be applied over the top of clothing or jewelry
- Handcuffs should be double locked when tactically safe

Continued on next page

General Guidelines for Use of Handcuffs, Continued

Double locking

Double locking reduces the possibility of inflicting injury from handcuffs tightening further on the prisoner's wrists. It also reduces the possibility of the subject picking or slipping the locking mechanism.

Removing handcuffs/restraint devices

Care must be taken when removing or exchanging handcuffs or other restraint devices from a prisoner to maximize officer control of the prisoner.

Contact and cover officer roles when handcuffing multiple prisoners

Peace officers may have to employ different techniques and methodologies when applying handcuffs (restraint devices) to more than one prisoner during an arrest procedure. In such situations, the responsibilities of the contact officer and the cover officer need to be clearly understood.

The <i>contact officer</i> . . .	The <i>cover officer</i> . . .
controls the subjects, directing them verbally to arrest positions and giving them arrest commands. alerts cover officer of weapons found.	speaks only when a situation arises that is not controlled by the contact officer. Examples of possible situations may include: <ul style="list-style-type: none">• a subject makes a furtive move• provides safety to the contact officer• sees a weapon on a subject
handcuffs the subjects.	follows the contact officer to avoid crossfire situations.

Transporting Prisoners

Overview

Learning need When transporting a prisoner, peace officers must recognize that the unpredictable nature of prisoners can create a serious threat. Officers must be aware of safety hazards and appropriate transporting procedures to ensure their safety and the safety of the prisoner.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">describe common transporting procedures that maximize officer safety and prevent prisoner escape	33.08.EO1
<ul style="list-style-type: none">describe the safe and secure positioning of a prisoner in an officer's vehicle	33.08.EO2

In this chapter This section focuses on transporting prisoners. Refer to the following chart for specific topics.

Topic	See Page
Officer Safety and Prisoner Transportation	2-50
Positioning of the Prisoner in a Vehicle	2-52

Officer Safety and Prisoner Transportation

[33.08.EO1]

Introduction

The time between a subject's arrest and incarceration is critical. A prisoner facing the loss of freedom can be extremely dangerous. If peace officers relax their vigilance during the transportation of a prisoner, that prisoner could become a safety threat to the officers or attempt to escape.

Officer awareness: expect the unexpected

The unpredictable nature of prisoners creates a serious threat to officers while removing them from the scene of an arrest. Because a prisoner may submit peacefully at the time of arrest does not guarantee that the same prisoner will not resort to violence or trickery to escape.

Officer responsibilities

When transporting a prisoner, peace officers are responsible for:

- the safety of themselves, fellow officers, and others in the immediate area
 - minimizing any opportunity the prisoner may have for escape
 - the welfare and safety of the prisoner
 - obtaining medical evaluation for the prisoner when needed
-

Agency policy

Agency policy regarding the transportation of prisoners will vary. It is the officer's responsibility to become familiar with and follow all agency policies.

Certain elements must always be addressed to assure the safe and effective transportation of a prisoner.

- Search of the prisoner
 - Search of the vehicle area
 - Proper procedures for positioning the prisoner in the vehicle
 - Use of safety belts
 - Observation of the prisoner while transporting
-

Continued on next page

Officer Safety and Prisoner Transportation, Continued

Search the prisoner

Before transporting any prisoner, the peace officer should search the prisoner for possible weapons. Confiscate any articles that can potentially be used for a weapon or is considered contraband.

Each peace officer should *personally* search each prisoner that will be transported in that officer's vehicle. Do not depend on another officer to search a prisoner. Once the prisoner is in the vehicle, the prisoner is the responsibility of the transporting officer.

Search the area

Peace officers should always search the area where the prisoner is seated *before and after* transportation. This is key to officer safety. Tools, flares, flashlight, pens, pencils, or a weapon hidden by a previous prisoner could be found and used by a prisoner against a peace officer or to cause self-inflicted harm.

Although the interior of a transport car is always searched after delivering a prisoner, it should be searched again before transporting another prisoner.

Restrain the prisoner

Any prisoner, whether male, female, adult or juvenile, should be properly restrained prior to transporting.

Normally, prisoners should be handcuffed with their hands behind their backs, unless the officer is limited by special circumstances (e.g., prisoner's arm in a cast, obese prisoner).

As a reminder, officers should check the handcuffs for proper adjustment and that the handcuffs are double locked.

Positioning of the Prisoner in a Vehicle

[33.08.EO2]

Introduction

To ensure the safety of both peace officers and prisoners, and to maintain control, prisoners should be positioned properly within the vehicle for transport.

General procedures

Certain procedures apply when positioning prisoners for transportation.

- Prisoners should be placed in and removed from a vehicle in a way that maintains advantage and control over the prisoner.
 - A second officer, if available, should act as a cover officer while the prisoner is being placed in the vehicle.
-

Use of seat belts

Prisoners should be seated in an upright position and wear seat belts during transportation. Seat belts help restrain the prisoner and increase the safety of the prisoner in case of an accident.

Observation of prisoner during transport

Peace officers must observe prisoners closely while transporting them.

When transporting a prisoner:

- assume that any prisoner is an escape risk and a threat to officer safety
 - if available, have a backup or cover officer in the vehicle as well
-

Prisoner position in vehicle

Prisoners should be positioned in the vehicle to:

- ensure safety and welfare of the officers and prisoners
 - allow for clear observation of the prisoners
-

Chapter Synopsis

Learning need For their own safety and the safety of others, peace officers must maintain awareness and respond appropriately when confronted by a potential hazard or threat.

Principles of defensive tactics – awareness [33.01.EO1] Awareness, as it relates to defensive tactics, means being alert to any potential hazard a peace officer may face when approaching or interacting with a subject or a potentially dangerous situation.

Principles of defensive tactics – balance [33.01.EO2] Balance, as it relates to defensive tactics, is the position that allows the officer to move in any direction with strength and coordination to maintain an advantage.

Principles of defensive tactics – control [33.01.EO3] Control, as it relates to defensive tactics, means maintaining composure to make sound judgements and decisions.

Parts of officer's body vulnerable to serious injury [33.01.EO4] During a confrontation with a hostile subject peace officers need to be aware of those areas of the body which require maximum protection as well as those on an assailant's body which might be unnecessarily injured.

Personal weapons used to overcome resistance [33.01.EO5] Some body parts may be used as personal weapons against peace officers by a combative subject. These body parts may also be used by peace officers to overcome resistance and in defensive tactics.

Continued on next page

Chapter Synopsis, Continued

Learning need Conducting a person search can be dangerous for peace officers. A peace officer's actions and reactions in these situations should always allow for a margin of safety while maintaining a position of advantage.

Approaching a subject and conducting a visual search [33.02.EO1] As peace officers approach a subject, they should be aware of, at a minimum, the:

- subject's clothing
- location of the subject's hands
- proximity of the subject's obvious or potential weapons

Systematic approach for conducting an effective person search [33.02.EO2] A systematic search should include the most likely areas where a weapon might be hidden. This includes, but is not limited to, the subject's:

- front waistband
- upper body (including the chest, front pockets, armpits, sleeves, and sides)
- back (including the rear waistband and buttocks area)
- lower body (including the legs and ankles)

Locations on subject's body for concealing weapons and/or contraband [33.02.EO3] There are a number of locations on a subject's person where a weapon may be concealed. These areas include, but are not limited to:

- hair	- pockets
- mouth	- ankles
- neck	- shoes or boots
- underarms	- back of neck
- waistband	- small of back
- belt buckle	- between buttocks
- hand	- inner thighs
- groin	- heel of shoe

Continued on next page

Chapter Synopsis, Continued

Agency considerations and restrictions for person searches of the opposite sex
[33.02.E04]

Agencies vary in their policy toward searching individuals of the opposite sex. These policies exist to protect peace officers from potential litigations regarding their conduct. **Peace officers should be aware of and follow their agency's procedures.**

Cover officer's responsibilities during a person search
[33.02.E06]

The searching officer is responsible for controlling the subject and conducting the actual search. The primary responsibility of the cover officer is to insure the safety of both, the subject and the officer conducting the search.

Cover Officer's responsibilities
[33.02.E05]

The primary responsibility of the cover officer is to insure the safety of both himself and the contact officer he is covering.

Continued on next page

Chapter Synopsis, Continued

Learning need Peace officers must be ready and physically capable of taking control of a subject, justify their actions if the subject refuses to follow verbal commands, physically resists, or attempts to attack the peace officer during a detention or arrest situation.

Justification for using controlling force [33.03.EO1] The primary goal of using force is to gain compliance of a subject. Officer consideration for using force include, but are not limited to, the:

- subject's display of aggressive or assaultive behavior
- physical size of the subject (as compared to the officer's)
- need for immediate control of the subject due to tactical considerations
- officer's perception of the subject's knowledge of the martial arts or other skills
- inability to control a subject by other means

Considerations when applying a control hold [33.03.EO2] There are two primary considerations peace officers need to be aware of when applying a control hold. Control holds can be used for direction and control. Close proximity of the officer and the subject means officers are within striking distance of the subject. The officers' weapon may be accessible to the subject. The officers may be able to respond faster through touch than by sight.

Considerations when performing a takedown technique [33.03.EO3] There are two primary considerations peace officers need to be aware of when employing a takedown technique. Close proximity of the officer and the subject. A single technique may not be adequate to gain complete control of the subject.

Continued on next page

Chapter Synopsis, Continued

Learning need The application of a restraint device (i.e., handcuffs, plastic flex cuffs, leg restraint devices, full body restraints) on a subject can be a difficult and potentially dangerous task for a peace officer. Peace officers must be proficient in the use of proper methods to ensure their safety and the safety of the subject(s).

Purpose of restraint devices [33.05.EO1] Peace officers are responsible for their prisoners at all times while in custody. All restraint devices are *temporary* restraining devices used to limit a prisoner's actions. They do not totally immobilize a subject.

Potential hazards when using handcuffs as a restraint device [33.05.EO2] Handcuffs are *temporary* restraining devices. They do not totally immobilize a prisoner. Because a subject is handcuffed does not mean that officers can relinquish their responsibility to maintain constant control and observation of a prisoner.

Correct positioning of handcuffs on subject [33.05.EO3] Hands should be placed behind the prisoner's back whenever possible to enhance the officer's control of the prisoner. Correct placement of handcuffs on the prisoner's wrists is essential for preventing injury or escape.

Responsibilities of the contact and cover officers when handcuffing subject [33.05.EO4] Peace officers may have to employ different techniques and methodologies when applying handcuffs to more than one prisoner during an arrest procedure. In such situations, the responsibilities of the contact officer and the cover officer need to be clearly understood.

Continued on next page

Chapter Synopsis, Continued

Learning need When transporting a prisoner, peace officers must recognize that the unpredictable nature of prisoners can create a serious threat. Officers must be aware of safety hazards and appropriate transporting procedures to ensure their safety and the safety of the prisoner.

Common elements for safe transporting of prisoners [33.08.EO1] Agency's vary in policies regarding the transportation of prisoners. It is the officer's responsibility to become familiar with and follow all agency policies. Certain elements must always be addressed to ensure the safe and effective transportation of prisoners.

- Search of the prisoner
- Search of the vehicle area
- Proper procedures for positioning the prisoner in the vehicle
- Use of safety belts
- Observation of the prisoner while transporting

Safe and secure positioning of a prisoner in an officer's vehicle [33.08.EO2] Certain procedures apply when positioning prisoners for transportation. Prisoners should be placed in and removed from a vehicle in a way that maintains advantage and control over the prisoner. A second officer, if available, should act as a cover officer while the prisoner is being placed in the vehicle.

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. How does awareness relate to defensive tactics? What should a peace officer be aware of on a pedestrian stop? How would this change, if at all, if the officer was detaining a known drug dealer in the dealer's own neighborhood?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

4. Peace officers arrive on the scene of a street fight. One subject is armed with a small pocket knife. As officers separate the subjects, one officer notices that the pocket knife is no longer anywhere to be seen. In performing a person search of this subject who is dressed in a T-shirt, jacket, and jeans, how should the officers proceed for their own protection? Where might the knife be concealed on the subject? Should the person search of the other subject differ in any manner? Explain.

5. Describe the difference between a takedown and a control hold.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

6. After a foot chase a peace officer takes down a suspected drug dealer and places her in a control hold. Though she continues to struggle and curse at the officer, she yells, "Let go! You're breaking my arm." What action should the peace officer take at this time? Explain your response.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

7. Peace officers are transporting a female subject to the station for booking. Should a female subject be treated in any way differently from an male subject during transport? Explain? How would transportation procedures differ, if at all, if the female had been arrested for shoplifting rather than a violent crime?

Student Performance Criteria

Introduction There are a variety of acceptable techniques for conducting person searches. The instructor will be discussing and demonstrating these techniques during class. Students will have the opportunity to practice each technique and develop their own level of skill.

Evaluation criteria As part of the classroom activities, students will be evaluated by their instructor on their ability to perform a person search under different conditions.

Person searches Exercise tests to safely and effectively conduct the following types of searches.

- Visual
- Cursory/frisk/pat
- Full-body incident to arrest

The testing criteria minimally includes:

- assuming a position of advantage and control
 - applying controlling force (full-body incident to arrest and search)
 - maintaining proper balance and control
 - maintaining awareness of environment and subject(s) actions
 - proper foot movements
 - searching thoroughly and systematically
 - securing and controlling contraband and weapons, if found
 - verbal commands/instructions (e.g., communication with cover officer as needed)
-

Continued on next page

Student Performance Criteria, Continued

**Cover
officer
role**

Participate in an Instructional Activity that will demonstrate the student's ability to perform the role of a cover officer during a field contact, to include:

- assuming a position of advantage and control
 - exhibiting command presence and professional demeanor toward the subject(s) being searched
 - maintaining proper balance and control
 - maintaining awareness of environment and subject(s) actions
 - protecting the searching officer from possible interference
 - physical assistance of the searching officer if it becomes necessary
 - observation of subject(s)
 - awareness of cover and concealment
-

**Criteria
definitions**

Refer to Supplementary Material (S-1) for definitions that provide a general description of the student behavior that instructors look for when evaluating student test performance on the Arrest Methods/Impact Weapon performance objectives.

Continued on next page

Student Performance Criteria, Continued

Introduction There are a variety of acceptable techniques for using controlling force. The instructor will be discussing and demonstrating these techniques during class. Students will have the opportunity to practice each technique and develop their own level of skill.

Evaluation criteria As part of the classroom activities, students will be evaluated by their instructor on their ability to perform control holds and takedown techniques under different conditions.

Control hold mechanics Exercise tests to demonstrate the mechanics of a control hold(s) to minimally include:

- assuming a position of advantage and control
- applying controlling force
- maintaining proper balance and control
- maintaining awareness of environment and subject(s) actions
- proper foot movements
- proper mechanics of the technique
- verbal commands/instructions

Continued on next page

Student Performance Criteria, Continued

Takedown technique mechanics

Exercise tests to demonstrate the mechanics of a takedown technique(s) will minimally include:

- assuming a position of advantage and control
 - applying controlling force
 - maintaining proper balance and control
 - maintaining awareness of environment and subject(s) actions
 - proper foot patterns of movement
 - proper mechanics of the technique
 - verbal commands/instructions
-

Criteria definitions

Refer to Supplementary Material (S-1) for definitions that provide a general description of the student behavior that instructors look for when evaluating student test performance on the Arrest Methods/Impact Weapon performance objectives.

Continued on next page

Student Performance Criteria, Continued

Introduction

There are a variety of acceptable techniques for handcuffing subjects. The instructor will be discussing and demonstrating these techniques during class. Students will have the opportunity to practice each technique and develop their own level of skill.

Evaluation criteria

As part of the classroom activities, students will be evaluated by their instructor on their ability to perform tasks involving restraint devices under different conditions.

Contact officer tasks

Exercise tests to safely and effectively handcuff suspects may include the following activities:

- Handcuffing and safe removal of handcuffs from a single subject
- Handcuffing and safe removal of handcuffs from multiple subjects

The testing criteria to minimally include:

- assuming a position of advantage and control
 - verbal commands/instructions
 - applying controlling force
 - maintaining proper balance and control
 - maintaining awareness of environment and subject(s) actions
 - effectively gripping handcuffs
 - safely and effectively applying handcuffs
 - safely and effectively adjusting handcuffs
 - double locking handcuffs
 - safely and effectively removing handcuffs
-

Continued on next page

Supplementary Materials

CRITERIA DEFINITIONS

The following definitions provide a general description of the student behavior that instructors must look for when evaluating student test performance on the Arrest Methods performance objectives.

AWARENESS

Student maintains proper distance/position
Student exercises personal safety
Student articulates to evaluator (Visual Search)
Continuous observation of subject and environment
Communication with back-up/partner (if appropriate)
Student exhibits a command presence or professional demeanor

BALANCE

Student maintains balance
Student uses proper stance

VERBAL INSTRUCTIONS/COMMANDS

Student uses appropriate voice control (tone, modulation)
Student delivers clear, concise verbal instructions
Student requests compliance
Student allows time for subject to comply with instructions

MECHANICS

Student's approach to subject
Student's grasp of subject (hand, elbow, etc.)
Student takes subject off balance
Student's control of subject
Student's application is systematic and controlled
Student performs a completed technique

HANDCUFFING

Student effectively grips handcuffs
Student safely and effectively applies handcuffs
Student safely and effectively adjusts handcuffs
Student double locks handcuffs

SYSTEMATIC SEARCH

Student begins search procedure at course instructed body location
Student uses approved/recommended sequence
Student uses approved/recommended hand technique
Student uses approved/recommended method to control suspect, if appropriate
Student performs an appropriate, safe and complete search
If no weapons or contraband are found, student safely disengages from subject (Cursory Search)
If weapons or contraband are found, student properly controls them

PATTERNS OF MOVEMENT/FOOT MOVEMENT

Student moves with strength and coordination
Student moves appropriately to desired position (pivots, steps, strong side, weak side)
Student reacts appropriately to a dynamic environment (POA, retreats, disengages) to a desired position

Continued on next page

Supplemental Material, Continued

CRITERIA DEFINITIONS (continued)

CONTROLLING FORCE

Student applies reasonable level of controlling force
Student's use of force appropriately limits/overcomes
resistance of suspect

POST-USE OF FORCE EVALUATION

Student determines subject's physical condition (ABC's)
Student determines subject's need for first aid and takes
appropriate action

Glossary

Introduction **The following glossary terms apply to the PC 832 Student Workbook, Volume Four: Use of Force Skills.**

anger A feeling of displeasure from perceived injury, mistreatment, or opposition, to ones self or to another person

awareness Being alert to potential threats a peace officer may face when approaching or interacting with a subject or a potentially dangerous situation

balance The position that allows the officer to move in any direction with strength and coordination to maintain an advantage

consent search A search conducted by peace officers with the expressed or implied consent of the person to be searched

control Degree of influence the officer must exert to take a subject safely into custody also, may be defined as, maintaining composure and ability to make sound judgements or decisions

control hold A method of gaining control of a subject by physical manipulation

cursory/frisk search A search of a legally detained person to ensure the safety of the officer. A frisk affords peace officers the ability to exercise the least amount of control compared to other types of person searches

Continued on next page

Glossary, Continued

**deadly
force**

A force likely to cause death or serious bodily injury

fear

A normal emotional response to a perceived threat (real or unreal)

**force
options**

Choices available to a peace officer concerning the methods available as identified in each agency's policy documentation

**general
control**

The degree of influence that peace officers must exert over a subject in order to take them safely into custody

**imminent
danger**

A significant threat which persons reasonably believe will result in death or serious bodily injury to themselves or to other persons

**objectively
reasonable**

Events that led up to the encounter with the subject, including how the officer arrived at the scene as well as what observations helped the officer assess the situation. Each agency must rely on the individual officer's judgement to employ an objectively reasonable level of force for that specific situation

panic

The total and absolute loss of control. Panic in crisis situations will render officers incapable of applying the correct and necessary defensive action for the situation

**physical
control**

The application of specific control holds or other techniques applied by a peace officer which allows the subject to move only in the direction and manner the peace officer chooses

**probable
cause**

Probable cause to arrest exists when the totality of the circumstances of the incident would cause a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested has committed a crime

Continued on next page

Glossary, Continued

reasonable force To effect an arrest as only that force reasonable for restraint of the subject and to get the subject to submit to custody

reasonable necessity Delay in apprehension would create substantial and unreasonable risk to officers or others possibly resulting in serious physical injury or death

reasonable officer Would another officer with like or similar training and experience, facing like or similar circumstances, act in the same way or use similar judgement?
(*Graham v. Connor*, 490 U.S. 386, 109 S. Ct. 186) (1989)

reasonable suspicion The standard used to justify a detention which considers whether an officer had facts and circumstances that would justify a peace officer of average caution to suspect that activity of a criminal nature has, is, or is about to take place and that the person detained is connected to the activity

search incident to an arrest A search that takes place at or near the time of a lawful arrest. This type and degree of search permits peace officers to search for and seize weapons or crime-related evidence which the subject might otherwise use or destroy

serious bodily harm or injury A serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement. (*Penal Code Section 243(f)(5)*)

takedown technique A method for taking the subject to the ground so control can be established

unreasonable force Occurs when the type, degree, and duration of force employed was not necessary or appropriate

Continued on next page

Glossary, Continued

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PC 832 Student Workbooks

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Learning Domain 1: Leadership, Professionalism and Ethics

Learning Domain 42: Cultural Diversity/Discrimination

Learning Domain 2: Introduction to the Criminal Justice System

Learning Domain 3: Policing in the Community

Learning Domain 39: Crimes Against the Justice System

Volume Two: Law

Learning Domain 5: Introduction to Criminal Law

Learning Domain 15: Laws of Arrest

Learning Domain 16: Search & Seizure

Volume Three: Investigations

Learning Domain 17: Presentation of Evidence

Learning Domain 18: Investigative Report Writing

Learning Domain 30: Crime Scene, Evidence and Forensics

Volume Four: Use of Force

Learning Domain 20: Use of Force

Learning Domain 33: Arrest Methods/Defensive Tactics

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PC 832 Student Workbooks, Continued

Volume Five: Firearms/Chemical Agents

Learning Domain 35: Firearms/Chemical Agents

PC 832 Student Workbook Volume Four

Use of Force Skills

Learning Domain/Learning Objective Cross-Reference

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	20.01.EO4	1-6		33.02.EO1	2-19
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