CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Basic Course Workbook Series

Student Materials

PC 832 Student Workbook
Volume Four: Use of Force
Version 5.0

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Volume Four: Use of Force
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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. We must also thank the California law enforcement agency executives who allowed their 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 and ultimately contribute to you becoming a peace officer committed to safety, and to the communities you will serve.

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.

MANUEL ALVAREZ, Jr.
Executive Director

PC 832 Student Workbook Volume 4: Use of Force Skills

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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	Read the first two sections: 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 overview section at the start of each chapter to review the learning objectives.
3	Read the text.
4	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
5	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
6	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., **term**).

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.

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:	**Objective ID**
• discuss *reasonable force* as stated by law	20.01.1
• discuss the components of the Fourth Amendment standard for determining *objective reasonableness*, as determined by the U.S. Supreme Court	20.01.2
• explain the legal framework establishing a peace officer's authority during a legal arrest, including: - subject's requirement to submit to arrest without resistance - peace officer's authority to use reasonable force during a detention or arrest.	20.01.3 20.01.4
• identifying the circumstances set forth in the California Penal Code when a peace officer has the authority to use force.	20.01.5
• discuss the level of authority agency policies have regarding the use of force by a peace officer.	20.01.6

Continued on next page

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

Introduction

The goal for the use of force by a peace officer in any enforcement situation is to gain **control** of the situation, or individual(s) encountered, when necessary to do so.

Peace officers should have an understanding of the laws governing use of force. Peace officers are authorized by the U.S. Constitution and the laws of the State of California to use reasonable force to effect an arrest, to prevent escape, to overcome resistance, in self-defense, or in defense of others while acting in the lawful performance of their duties.

Peace officers should remember that even when they have the authority to use force, they should consider the least intrusive force option.

Whenever possible, peace officer should attempt to generate voluntary compliance without resorting to physical force. Some communication techniques and shills for obtaining voluntary compliance that can be utilized are ask, set context, present options, and act. The tenets of Procedural Justice, including voice, neutrality, respect and trustworthiness, add to effective communication, may lead to greater police legitimacy, and may deescalate a situation.

This chapter outlines legal authority for peace officers to use force when voluntary compliance cannot be obtained.

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Fourth Amendment *"objective reasonableness"* standard

In 1989, the United States Supreme Court decided the case of *Graham v. Connor*, 490 U.S. 386, (1989), which established that a peace officer's use of force, under the Fourth Amendment, would be judged using the "objective reasonableness" standard.

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, based on the totality of the circumstances confronting the officer at the time that the force is used. The determination of reasonableness must allow for the fact that peace officers are often forced to make a split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. The reasonableness of a particular use of force must be judged from the perspective of a **reasonable officer** on the scene, rather than with the 20/20 vision of hindsight. The evaluation should be based on the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation.

When balanced against the type and amount of force used, the *Graham* factors used to determine whether an officer's use of force is objectively reasonable are:

- whether the suspect posed an immediate threat to the safety of officers or others
- the severity of the crime at issue
- whether the suspect was actively resisting arrest
- whether the suspect was attempting to evade arrest by flight

Of these factors, the most important is whether the individual poses an immediate threat to the officer or public.

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Other factors to be considered

The reasonableness inquiry is not limited to the consideration of those factors alone. Other factors which may determine reasonableness in a use of force incident include:

- whether there was an opportunity to warn about the use of force prior to force bine used and, if so, was such a warning given
- whether there was any assessment by the officer of the subject's ability to cease resistance and/or comply with the officer's commands
- availability of other reason **force options**
- number of officers/subjects
- age, size, and relative strength of officers/subjects
- specialized knowledge, skills, or abilities of subjects
- prior contact
- injury or exhaustion of officers
- access to potential weapons
- environmental factors, including but not limited to lighting, footing, sound conditions, crowds, traffic, and other hazards
- whether the officer has reason to believe that the subject is mentally ill, emotionally disturbed, or under the influence of alcohol or drugs

Related terms

The **reasonable officer** standard is:

- would another officer
- facing like or similar circumstance,
- act in the same way or use similar judgment?

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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. The facts and circumstances known to the peace officer at the time the force was used will be the basis for the determination of reasonableness.

Community expectations

Community members want to be treated with respect and dignity. The public expects peace officers to exercise their authority in order to maintain social order, manage conflicts, and solve problems. They expect peace officers to listen to them, treat them fairly, and be trustworthy.

Community members want their officers to possess the skills to subdue violent and dangerous subjects. They also want officers to use these skills to apply only the amount of force that is reasonable. 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.

Peace officers should always be promoting the trust of the community and should act in a way to maintain that trust. Trust is vital for building long-lasting, innovative community partnerships capable of solving problems and improving the community's quality of life.

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Authority to Use Force

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

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."

Additionally, in People v Curtis (1969 yo Cal 2d 347), the California Supreme Court held that "a person may use reasonable force to defend life and limb against excessive force."

Officer authority to use restraint

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.

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."

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Agency policies

Constitutional, statutory and case law establish the baseline requirements regarding the authority for peace officers to use force in the performance of their duties. The elements of Principled Policing should also be considered by local agencies, which are free to establish policies and procedures regarding the use of force by their employees that are more restrictive than those established in the baseline authorities.

Peace officers are responsible for becoming familiar with and complying with their agency's policies regarding the use of force including agency legal updates.

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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:	**Objective ID**
• define the term "*force option*"	20.02.1
• identify that the objective of using force is to overcome resistance to gain control of an individual and the situation	20.02.2
• recognize force options and the amount of force peace officers may use based on the subject's resistance	20.02.3

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Force Options

Introduction

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

Objective for use of force

The objective for the use of force by peace officers is to 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 totality of the circumstances
- use only the amount of force reasonable to overcome resistance and to gain or maintain control of a subject
- conform to agency policy and federal and state law

Officer judgment

Officers must rely upon their own judgment to ensure the amount of force used to gain and/or maintain control of a subject or situation does not exceed what is objectively reasonable under the totality of the circumstances confronting them.

Continued on next page

Officer preparation

In law enforcement, preparation is an important factor in determining the effectiveness of the use of force by a peace officer, as well as generating a professional image for peace officers. The following chart identifies some items officers must consider in their preparation:

Item	Considerations	Benefits
Uniforms	- Proper fit - Neat, professional appearance - Does not impair free movement	- More effective - Command presence
Gear	- In good condition - Inspected regularly - Readily accessible	- Increased confidence in the application of physical force
Firearms	- Cleaned and maintained - Serviced by a trained armorer as necessary	- Increased confidence in the application of deadly force
Body armor	- Fits properly - Does not interfere with movement - Is worn by the officer	- 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.

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Factors affecting selection

There are a number of factors that can affect which force option is selected. The following chart identifies, but is not limited to, some of the most critical:

Factor	Considerations
Public and officer safety	- Immediate action required for self-defense or defense of others
Amount and nature of the resistance which must be overcome, or flight or attempted flight	- Passive non compliant - Active resistance - Assaultive resistance - Life-threatening resistance
Presence of a weapon and type of weapon	- Other Weapons - Firearms
Seriousness and nature of the offense	- Misdemeanor cite and release - DUI - Armed Robbery
Characteristics of the subject as compared to the characteristics of the officer	- Size - Age - Knowledge of Capabilities - History
Availability of assistance	- Number of officers - Available backup units
Nature and condition of the location and surroundings	- Danger to bystanders - Availability of weapons - Environmental conditions

Resistance

Introduction

The propriety of an officer's use of force depends upon whether that force is found to have been objectively reasonable under the totality of the circumstances of the particular situation confronting the officer. The immediate threat to the safety of the officer or others is the most significant factor in determining reasonableness.

The subject's actions and the practical considerations involved in a situation are major factors in determining the type of force the officer may lawfully use in order to gain or maintain control of the subject or the situation.

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
Compliant	Subject offers no resistance	- Mere professional appearance - Nonverbal actions - Verbal requests and commands - Handcuffing and control holds
Passive non-compliant	Does not respond to verbal commands but also offers no physical form of resistance	- Officer's strength to take physical control, including lifting/carrying - Pain compliance control holds, takedowns and techniques to direct movement or immobilize a subject
Actively resistant	Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, or verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody	- Control holds and techniques to control the subject and situation - Use of personal body weapons to gain advantage over the subject

Continued on next page

Subject's actions (continued)

Subject's Actions	Description	Possible Force Option
Assaultive	Aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person	- Use of devices and/or techniques to secure compliance and ultimately gain control of the situation - Use of personal body weapons in self-defense and to gain advantage over the subject
Life-threatening	Any action likely to result in serious injury or death of the officer or others	- Utilizing firearms or any other available weapon or action in defense of self and others to stop the threat

NOTE: Officers must take into account the *totality of the circumstances* when selecting a 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. A key principle in maintaining public trust and respect is ensuring that any use of force is reasonable.

NOTE: Officers must be aware of and comply with their specific agency policies regarding appropriate force options.

Constant reevaluation

Peace officers must use the force option(s) appropriate for the situation as conditions may change rapidly. Officers must continually reevaluate the subject's actions and the practical considerations involved in the situation, and must be prepared to transition as needed to the appropriate force options, so as to always remain within the bounds of conduct which is objectively reasonable under the circumstances.

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Key considerations

Practical considerations are a key factor in a peace officer's choice of force options. It is important for peace officers to recognize the advantages and disadvantages of the various force options. Some of the factors to consider are:

- **Distance**: Would a force option be effective at the distance involved?
- **Number of subjects**: Can the force option effectively be used to engage multiple subjects or only a single subject?
- **Subject's mental state or state of intoxication:** Which force options would be effective in regard to a subject's apparent mental illness or state of intoxication, possibly resulting in increased pain tolerance, accelerated strength, or inability to communicate with the subject?
- **Subject's physical strength and skill:** Does the peace officer have the physical strength and skill to effectively use a force option, compared to the subject's apparent physical strength and skill?
- **Affecting or endangering other people:** What potential effect does a force option have on other peace officers or bystanders at the scene?
- **Time**: Does the peace officer have time to effectively use a force option?

In use of force incidents involving multiple peace officers, it is important for peace officers to use teamwork. Peace officers should communicate with each other, and coordinate their actions, during a use of force incident. A peace officer should consider having a different force option ready, in case the force option being used by another peace officer is ineffective.

Continued on next page

Key considerations (continued)

Peace officers should recognize that making transitions between force options can be difficult during stressful and rapidly changing conditions. It is useful for peace officers to practice making such transitions during training. Peace officers must be prepared to transition to another force option if the one being used appears to be ineffective in controlling the subject or situation.

The various force options are placed into three general categories:

Force Option	**Foreseeable Injury**
Non-Deadly Force	Force which creates a minimal risk of injury
Intermediate Force	Force which has a significant risk of injury
Deadly Force	Force which has a substantial risk of serious bodily injury or death

Continued on next page

Force options tools and techniques

The following list includes tools and techniques which are the most common force options available to peace officers, but it is not all inclusive. Peace officers should recognize that the risk of injury created by a particular force option may vary depending upon how the force option is applied.

Professional/command presence
Interpersonal communication techniques/warnings
Control Holds/Takedowns/Handcuffing
Handcuffing and Temporary Restraints
Chemical agents
Electronic Control Weapons
Impact Weapons
Impact Projectile Weapons
Carotid Restraint Control Hold
Canine
Personal Body Weapons
Improvised weapons or techniques
Firearms

Continued on next page

Examples

The following chart presents examples of situations involving a reasonable and unreasonable 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.	*Reasonable:* The officer's presence and verbal commands controlled the situation.
		Unreasonable: 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.
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.	*Reasonable:* 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.
		Unreasonable: The officer used an impact weapon to disable the subject before applying a control hold and placing the subject under arrest.

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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 but then pulled away and assumed a fighting stance.	*Reasonable:* 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 assaultive behavior toward the officer, the use of force by the officer was reasonable.
		Unreasonable: 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 bodily injury.

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:	**Objective ID**
• identify the legal standard for the use of deadly force	20.03.1
• identify the factors required to establish *sufficiency of fear* for the use of deadly force	20.03.2
• recognize facts an officer should consider when determining whether or not to use deadly force	20.03.3
• discuss the role of agency policies regarding the use of deadly force	20.03.4
• recognize the law regarding justifiable homicide by a public officer and the circumstances under which the homicide is considered justifiable	20.03.5

In this chapter

This chapter 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	1-22
Justifiable Homicide by Public Officer	1-29

Considerations Regarding the Use of Deadly Force

Introduction

The use of deadly force is the most serious decision a peace officer may ever have to make.

Definition

Deadly force applied by a peace officer is force that creates a substantial risk of causing death or serious bodily injury.

Leadership

The authority to use deadly force is a tremendous 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 and accountable, which helps build community trust and respect.

To protect self or life

An officer may use deadly force when it is objectively reasonable under the totality of the circumstances. Deadly force may be used in self-defense or defense of others when the officer has a reasonable belief that the officer or another person is in **imminent danger** of death or serious bodily injury.

Continued on next page

Considerations Regarding the Use of Deadly Force,
Continued

Use of deadly force on fleeing subject

In 1985, the United States Supreme Court decided the case of *Tennessee v. Garner*).

The Court applied the following points with regards to when it would be reasonable for an officer to use deadly force against a fleeing subject in this particular set of circumstances (e.g., using a firearm to stop a fleeing suspect escaping on foot).

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

NOTE: This US Supreme Court decision of Tennessee v. Garner is only the baseline for use of deadly force in this particular set of circumstances. Peace officers must know the applicable law and agency policies. Officers should comply with 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 with regards to the subject's actions, 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. The courts have held that:

- A simple statement of fear for your safety is not enough; there must be objective factors to justify your concern
- It must be objectively reasonable
- It must be based on the facts and circumstances known to the officer at the time

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
- judgment
- mental alertness
- existing facts and 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 serious bodily harm or death
- use of warning shots
- shooting at juveniles
- shooting at or from a moving vehicle
- shooting from air asset platform
- 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)
Two officers were dispatched to a convenience store where a silent alarm was tripped.	An armed male subject saw the official patrol vehicle and fled.	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, the officers have the authority to use deadly force to prevent the escape and effect the arrest.
		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 bodily injury, they would not have the authority to use deadly force to prevent the subject from fleeing.

Justifiable Homicide by Public Officer

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 judgment 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, or
- 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 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. *(Penal Code Section 196)* NOTE: *Fleeing felon* 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: • a threat to life exists • 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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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.
when arresting or pursuing a misdemeanant 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 misdemeanant to escape than to apply deadly force against the individual.

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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 circumstances that should be considered.

Circumstances	Considerations
Threat to life	• Does the subject present a credible threat to the officer or others? NOTE: Peace officers may use force reasonable to defend their lives or the lives of others.
Imminent threat	• 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	• Is the nature of the crime violent or non-violent? • Is there a large number of subjects to be confronted?
Type of weapon	• Can it cause serious bodily injury or death?
Subject's capabilities	• Does the subject demonstrate superior physical skill over the officer?

Continued on next page

Considerations before using deadly force (continued)

Circumstances	Considerations
Location and background	• Is there a crowd of innocent people behind the subject?
The officer's present capabilities	• 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.

Continued on next page

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 bodily 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 bodily 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.

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:	Objective ID
• describe why complete documentation of the use of force is critical to the peace officer and the peace officer's agency, to include: - justification for using force - relevant factors and detail	20.04.1

Documenting the Use of Force

Introduction

When force has been used by a peace officer, the officer must establish the justification for the type and force used in a written report or in a statement for a post-incident investigator. Officers must understand that the content of their reports or statements are bias for prosecutorial decisions, civil action, and agency review.

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

The U.S. Supreme Court has determined that the objective reasonableness for the use of force must be determined by balancing the type and force used against the totality of the facts and circumstances confronting the officer at the time of the decision to use force. The only facts and circumstances relevant to that determination are those which were known to the officer at the moment of decision. It is crucial that the officer:

- Report/statement adequately
- Document those facts and circumstances

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

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Inadequate documentation

Inadequate documentation of the factors which established justification for a use of force exposes the officer and the agency to potential civil liability arising from the incident.

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.

Continued on next page

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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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.

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 regarding 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?

Continued on next page

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.

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:	Objective ID

• discuss factors that can affect a peace officer's response when threatened with danger, to include:
- fear
  - reasonable
  - unreasonable
- anger
- indecision and hesitation
	20.05.1

• give examples of acceptable techniques for managing anger	20.05.4
• describe the benefits of ongoing physical and mental training for peace officers involving the use of force	20.05.5

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Fear and Anger Management in the Use of Force

Introduction

The objective of using force is to gain control of a person or situation. It is acceptable for a peace office 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 affect the arrest, to prevent escape, or to overcome resistance. *(Penal Code Section 835a)*

Ethics

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
- emotional state
- 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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Self Control

Introduction

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.

Self-control

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

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

Self-control is a reflection of one's confidence in their skills and abilities which can be improved through training, practice and experience; thereby enhancing decision-making and reaction time.

Some situations can be controlled by the peace officer's command presence and the employment of procedural justice tenets.

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

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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 decrease the officers' ability to make sound judgments and decisions.
- Uncontrolled fear and anger tend to increase hesitation, verbal abuse and **unreasonable force**.

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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 and mind 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 auditory exclusion/auditory suppression)
- increased muscle tension and perspiration
- raised pain thresholds
- time distortion
- color distortion
- impaired fine motor skills

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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
• A controlled and legitimate fear • A mechanism that is necessary for officer safety based on perceived circumstances	• 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 movement 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 vision
- 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.

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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, explicit/implicit bias, 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
• Personal physical harm • Phobias (e.g., claustrophobia) • Psychological (e.g., paranoia)	• Racial, cultural, historical context, or religious-based • Responsibility for making critical decisions • Peer disapproval

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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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Definition of anger

Anger is a feeling of displeasure from perceived injury, mistreatment, or opposition, to one's self or to another person.

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 may allow officers to be assertive. It may even play a small role in command presence provided it is done in a respectful manner.

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.

When anger is inappropriate or out of control (e.g., rage), it becomes a liability and may result in poor decision making. Law enforcement decisions should not be influenced by anger.

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	• Individual sensitivities that may prompt a reaction (e.g., history, personality, etc.) • Emotional bruises and other sources of personal vulnerability

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Managing anger

Few people can exercise effective emotional control when they are extremely angry. 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...**
not internalizing 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.	recognize 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.

Continued on next page

Self Control, Continued

Example

Two peace officers made a vehicle stop on a busy street in a business district after the driver ran a stop sign. As Officer Kwan made the initial contact with the driver, his partner, Officer Williams noticed Officer Kwan seemed unusually tense, yet still courteous with the driver. As Officer Kwan returned to the patrol vehicle with the man's drivers license to perform the record check, he confided to his partner that this man had made a racially disparaging comment toward him. Officer Williams reminded Officer Kwan that despite his personal feelings, he had a duty to remain neutral, impartial, and treat the driver with respect. After his brief conversation, Officer Kwan delivered the citation in a professional manner, with no spare commentary and no evidence of anger towards the driver. Talking it out for even a few minutes while the record check was being done allowed the officer to take a step back from the situation and control his breathing, thus controlling his personal anger.

Role of Initial and Ongoing Training

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.

Trained and untrained responses

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

Trained *responses*...	**Untrained *responses*...**
• are less predictable to the subject than instinctual reaction. • are correctable. • are flexible (can be adjusted and customized). • can lead to increased self-control. • can promote trustworthiness. • will reduce lag time.	• are more predictable to the subject. • are limited. • may be improper. • may be dangerous to the officer, the subject, or others.

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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 training 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 which can diminish public trust.
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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Training and practice (continued)

Training and practice can help attain...	Lack of training and inadequate practice may result in...
mental alertness and concentration. 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.	**panic.** **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.
control over body and emotions. 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.	**loss of control over body and emotions.** When officers lose control of themselves they may lose control of the situation.

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.

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:	Objective ID
• explain the consequences of an officer's failure to intervene when unreasonable force is used by another peace officer	20.06.6
• discuss immediate and delayed intervention techniques	20.06.7

Failure to Intervene

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.

Bystander liability: An officer may face criminal and/or civil liability, as well as 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)

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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.

Duty to report

If a peace officer observes or becomes aware of a violation of someone's civil rights, including the use of unreasonable force, that officer has the duty and legal responsibility to report that information in accordance with agency policy.

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Intervention Techniques

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. Reporting requirements based on agency policy and law.

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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. In each of the provided solutions, the fellow officer should additionally include the tenets of Principled Policing:

Intervention Technique	Example	
	Situation	**Solution**
Discussion	Peace officer is verbally condescending to someone.	Fellow officer explains this behavior can be perceived as a lack of respect.
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 communicating during contacts with a certain group.	Fellow officer suggests that additional training be pursued.

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 [20.01.1]

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."

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

The Fourth Amendment [20.01.2]

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 [20.01.3]

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 [20.01.4]

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

Penal code authority [20.01.5]	*Penal Code Section 835(a)* grants officers authority to use force under specific circumstances, including to effect an arrest, to overcome resistance, to prevent escape, and in the defense of self or others.
Level of authority of specific agency policies [20.01.6]	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. Local agencies may establish policies and procedures regarding the use of force by their employees which are more restrictive than those established in law.

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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 [20.02.1]	Force options are choices available to a peace officer in any given situation to overcome resistance, to effect arrest, to prevent escape, in the defense of self or others, and to gain control of the situation.
Goal of using force to gain control [20.02.2]	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 [20.02.3]	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

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 [20.03.1]

The Court established four components for using deadly force on a fleeing subject in the line of duty.

- "...if the subject threatens the officer with a weapon or there is *probable cause* to believe that he has committed a crime involving the infliction of serious bodily harm [or death]..."
- "...*probable cause* to believe that the subject poses a threat of death or serious physical harm, either to the officer or others..."
- "...*probable cause* to believe that the use of deadly force is reasonably necessary..." [to prevent escape]
- "...*some warning* be given prior to the use of deadly force *where feasible*..."

Factors required to establish a sufficiency of fear [20.03.2]

According to the law, fear alone does not justify the use of deadly force. The courts have held that:

- Simple statement of fear for your safety is not enough, there must be objective factors to justify your concern.
- Must be objectively reasonable.
- Must be based on the facts & circumstances known to the officer at the time.
- The person must not act *under the influence of fear alone*. There has to be some circumstances or overt act apart from the officer's fear.

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Considerations when to use deadly force [20.03.3]

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

- taining and experience
- judgment
- mental alertness
- existing facts and 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

Role of agency policies [20.03.4]

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 [20.03.5]

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

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 [20.04.1]

It is imperative that *each* report be thorough and comprehensive, documenting all aspects of the use of force.

Continued on next page

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 [20.05.1]	Two major emotional factors that officers need to focus on during their training:
	• fear, an emotional response to a perceived threat
	  - reasonable
	  - unreasonable
	• anger, a feeling of displeasure from perceived opposition
	  - indecision
	  - hesitation

Techniques for managing anger [20.05.4]	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.
Ongoing training in preparation to use force [20.05.5]	Training and practice in both physical and emotional skills provides the understanding and manipulative ability needed by a peace officer in the use of force in dangerous situations.
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.
Failure to intervene [20.06.6]	Peace officers are required by their position to intervene in any force situation they perceive as excessive. This intervention may take the form of one or more actions.
Intervention techniques [20.06.7]	The three common immediate intervention techniques are: verbal, physical/touch and restraint.

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.

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.

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

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

Activity questions (continued)

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

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

Continued on next page

Activity questions (continued)

8. List three ways in which an officer's uncertainty could actually endanger that officer or others? Give an example of each.

9. Describe two ways that the body's natural physiological reactions to fear could help an officer in a dangerous situation, when the fear is managed and under control. Conversely, in what ways could unmanaged fear cause an officer to act inappropriately?

Continued on next page

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.

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?

Chapter 2

Arrest Methods
Learning Domain 33

Overview

Principles of Arrest and Control

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:	Objective ID
• Demonstrate principles of arrest and control to include: - awareness - balance - control	 33.01.1 33.01.2 33.01.3
• Describe the areas of the body which require maximum protection during an attack	33.01.4
• Describe parts of an officer's body that may be used as personal weapons during an arrest/detention to control a combative and/or resistive subject	33.01.5

Continued on next page

In this chapter

This section focuses on principles of arrest and control tactics. Refer to the following chart for specific topics.

Topic	See Page
Principles of Arrest and Control	2-3
Awareness	2-6
Balance	2-10
Control	2-11
Areas of the Body Which Require Maximum Protection	2-12
Body Parts as Personal Weapons	2-15

Principles of Arrest and Control

Introduction

Arrest and control is a skill set that allows a peace officer to use reasonable force to establish and maintain control of a subject.

Justification for use of force

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.

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 by using reasonable force. A peace officer's actions must be legally justified based on reasonable suspicion and/or probable cause.

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Leadership

A peace 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 peace officers and subjects. If peace officers allow emotions to affect their judgment, they may lose control; the same is true of subjects. Therefore, it is essential that the peace officer control those emotions.

Continued on next page

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
• anger • fear • prejudices • peer pressure • personal problems	• anger • fear • embarrassment • loss of freedom • prejudices • peer pressure • personal problems • mental illness

The mind and body as one

To be effective in an arrest or a control 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 as do subjects. Distraction may be a valuable part of the arrest/detention process.

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.

Awareness

Introduction

Awareness, as it relates to arrest and control, 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 arrest and control

There are three basic principles that make up the foundation of arrest and control. 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 subject's 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 the location and 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

Cover and concealment (continued)

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

Cover	Concealment
• trees • walls – such as cement block or brick • buildings, dumpsters • vehicles	• 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
Proper distance	Peace officers should maintain a proper distance between themselves and the subject in order to have a reactionary gap.	• Be aware of the subject from head to foot and everything in between • Be aware of any body movement which may indicate any offensive or dangerous movement
Subject's Hands	Typically, it is the subject's hands (or what may be in them) that cause harm.	• Be aware of the location of the subject's hands and potential contents.

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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.	• Be aware of any object that could be used as a weapon, including but not limited to: - 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.	• Be aware of anyone who could come to the subject's aid, including but not limited to: - relatives - animals - bystander
Potential Escape Routes	A subject may know the area better than the peace officer; the subject may lead the officer into a trap.	• Be aware of potential escape routes for subject and officers, including but not limited to: - doorways - dark yards - alley ways - dark rooms - trees - vehicles

Continued on next page

		Potential Hazards	Avoiding Harm
Potential hazards (continued)	**Footing and Environment**	Because of the terrain, poor footing or conditions may limit the peace officer's alternatives for responding to a threat.	• Be aware of the surrounding conditions and obstacles including but not limited to: - distance - 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

Introduction

Balance, as it relates to arrest and control, is the position that allows the peace 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 safely maintain a balanced stance:

- 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

Control

Introduction

Control, as it relates to arrest and control, not only means verbally or physically gaining and maintaining control of a subject. It also means maintaining control of one's emotions.

General control

General control is the degree of **influence** that peace officers must exert over subjects in order to take them 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.

Self control

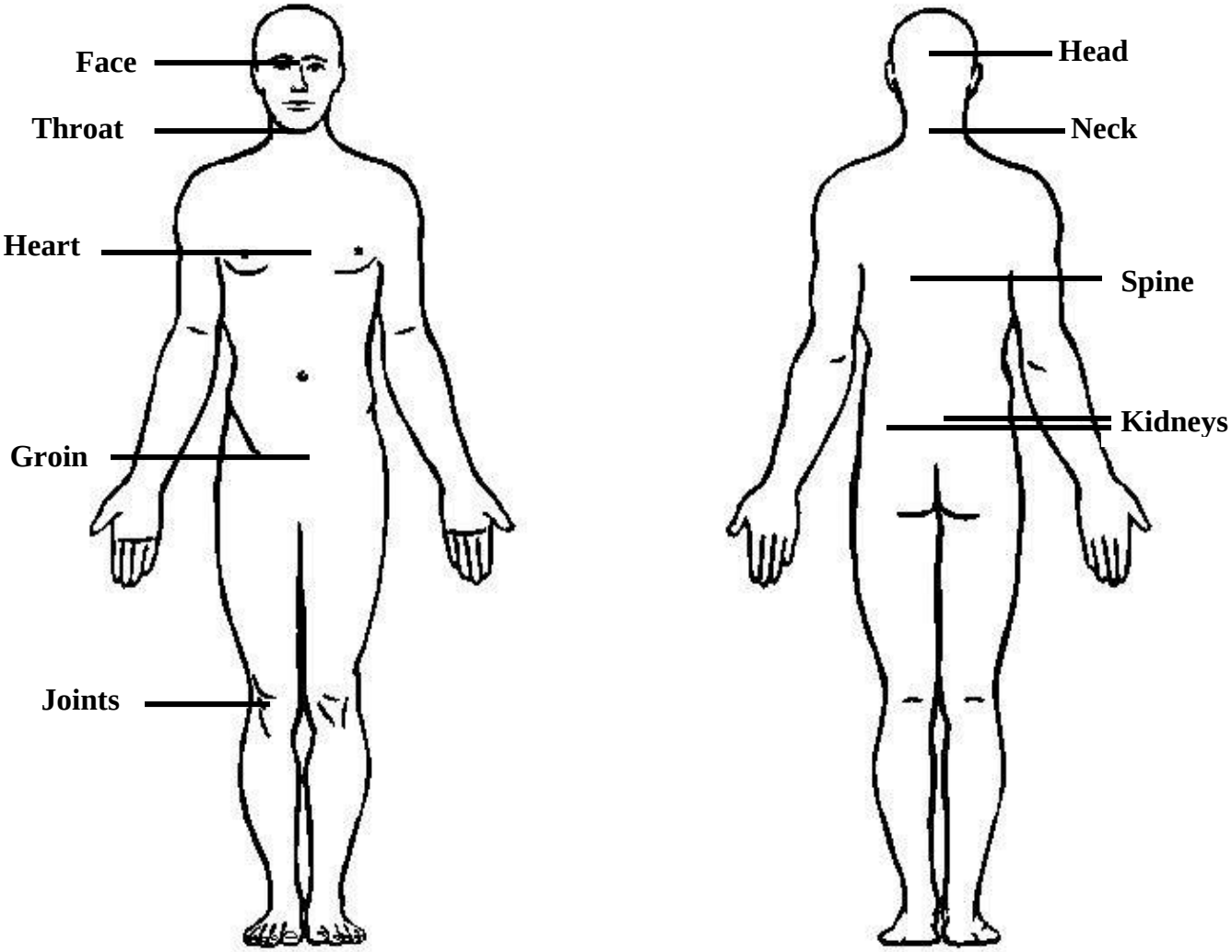
Self control is maintaining composure and the ability to make sound judgments and decisions. Confidence is achieved from proper, adequate, and ongoing training to understand basic principles of arrest and control. Control is *enhanced through practice.*

To practice without understanding the principles of arrest and control, is just as impractical as having principles without the practice. They are both part of the whole. Both are equally necessary to control the subject and the situation.

It is essential to manage emotions such as anger and fear to reasonably control the situation.

Parts of the Body Vulnerable to Serious Injury

Introduction During a confrontation, peace officers need to be ware of those areas of the body which require maximum protection during an attack.

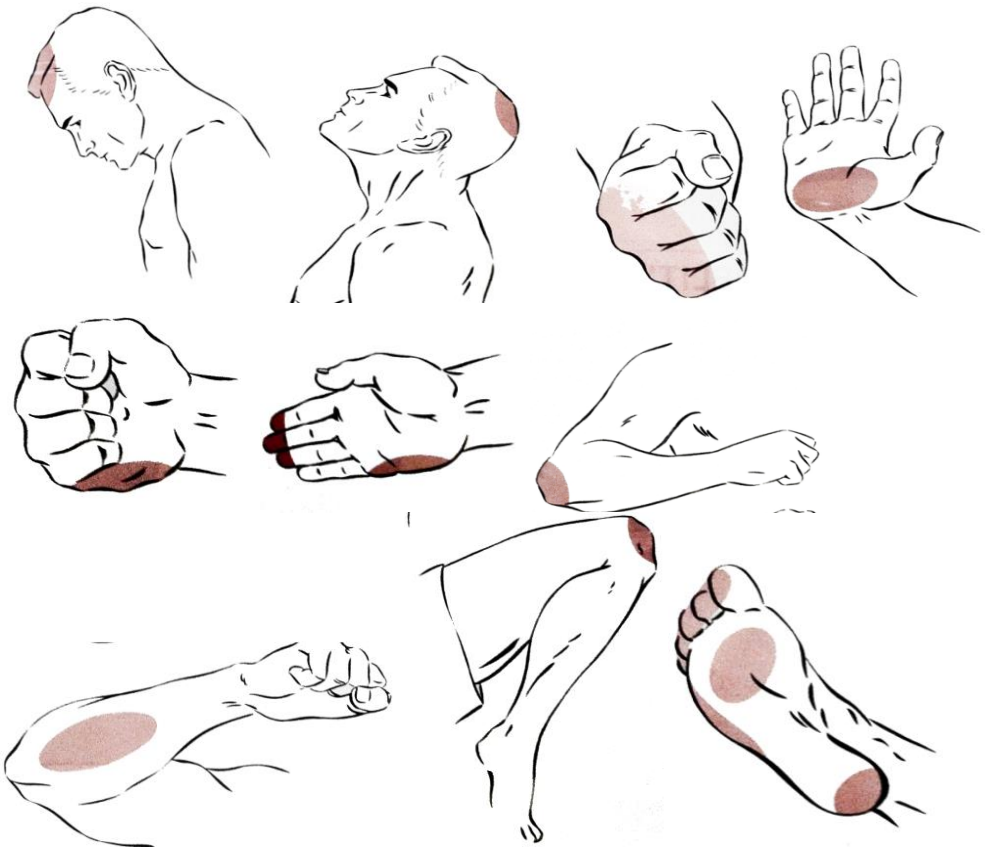


Body Parts as Personal Weapons

Introduction

Some body parts may be used as personal weapons against peace officers by a combative subject. Peace officers may also use personal weapons to strike available targets during and arrest/detention to control a combative and/or resistive subject, especially during **ground control** encounters.

Personal weapons



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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: • 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: • elbow – used to strike • forearm – used for sharp, quick blows
Legs	Parts of the leg include: • knee – used to strike • shin – used to kick
Feet	Parts of the feet include: • 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:	Objective ID
• Explain factors to consider when approaching a subject and conducting a plain view search	33.02.1
• Demonstrate an approach to safely and effectively conduct a person search	33.02.2
• Discuss locations where weapons and/or contraband can be concealed on a subject's body	33.02.3
• Explain agency considerations and restrictions that may be common regarding a search of a person of the opposite sex	33.02.4
• Explain cover officer responsibilities	33.02.6
• Discuss cover officer responsibilities during a search of a subject	33.02.5

Continued on next page

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

Introduction

Person search techniques are 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 in the legal sense of the term. 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 arrest and control.

As peace officers approach a subject, they should minimally be aware:

- the subject's clothing
- the location of the subject's hands
- the proximity of the subject's obvious or potential weapons
- any 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
- have articulable facts which support a reasonable suspicion that the subject may be armed or dangerous

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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 peace officer realizes or decides an item is not a weapon, the peace officer must stop focusing on the particular item or location and 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 a peace officer to conduct a consent search.

- The peace 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.).

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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

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Choice of search technique and level of control

To maximize peace 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	• 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)	• 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	• 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

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Choice of search technique and level of control (continued)

Factor	Officer Considerations
Conditions at time of the contact or arrest	• 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 peace officers available
Prior knowledge of the subject	• Existing criminal record • Prior knowledge of the subject possessing weapons • History of violent behavior
Physical/emotional limitations	• Peace 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

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 arrest and control

Every search carries an element of danger to the peace officer, as well as the potential for an escape by the subject. A peace officer's ability to apply the three principles of arrest and control are critical.

	Peace officers must always...
Awareness	• 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	• be in a balanced position of advantage while keeping the subject off balance and in a position of disadvantage
Control	• 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

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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)

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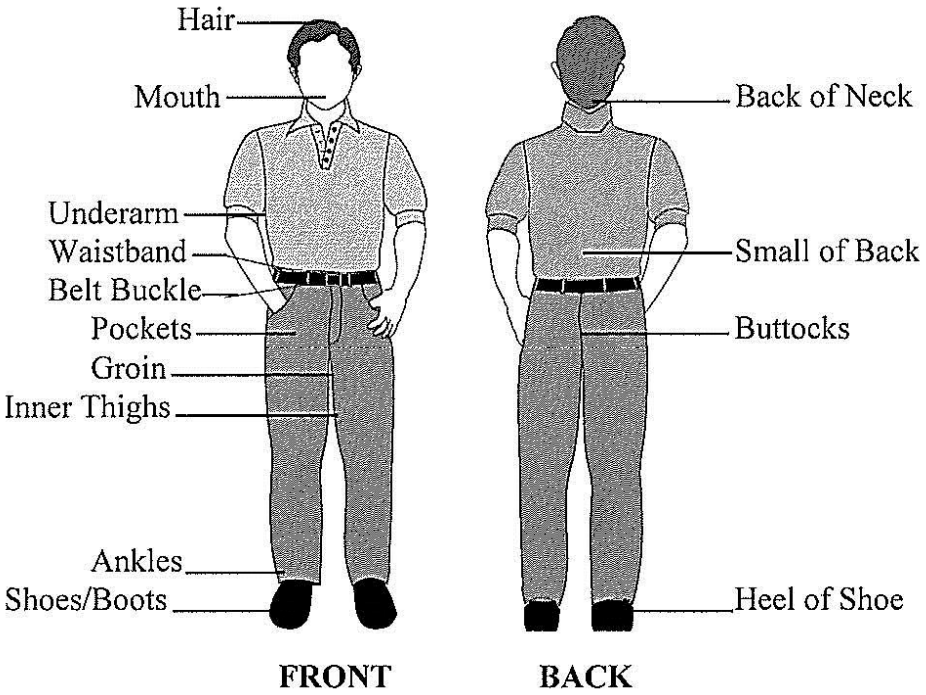
Potential locations for weapons concealment

There are a number of locations on a person where a weapon and/or contraband may be concealed.



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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	Inner/Outer 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

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	
Bras - 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 and 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	• 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

Locating a weapon during a person search (continued)

Possible actions	Including...
Maintain control of the subject	• If the weapon is *accessible*, confiscating the weapon. • If the weapon is *inaccessible*, escalating to a higher-risk search technique and greater level of control before confiscating the weapon.
Continue the search	• Continue searching for additional weapons. ** **Never assume a subject carries only one weapon.**

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

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 peace officers of the same sex
- acceptable search techniques
- how to avoid false claims of misconduct or sexual assault

Responsibilities of Searching and Cover Officers

Working as a team

Ideally, there will be two peace officers available when conducting a person search. Even so, both peace 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:	Objective ID
• Discuss a peace officer's justification to use control holds and takedown techniques on a subject	33.03.1
• Explain advantages and limitations a peace officer should consider when applying a control hold	33.03.2
• Explain advantages and limitations a peace officer should consider when performing a takedown technique	33.03.3

Continued on next page

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 Control Holds and Takedowns	2-35
Control Holds	2-37
Takedown Techniques	2-39

Use of Control Holds and Takedowns

Introduction	The primary objective of the application of control holds and takedowns is to gain control 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 peace officers subject themselves and their agency to substantial liability.
Officer vulnerability	When using control holds and takedowns, peace officers must be constantly aware that they are close to the subject and therefore vulnerable to attack.

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Objectively reasonable force

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

- immediate threat to the safety of peace officers or others
- actively resisting or attempting to flee
- severity of the crime at issue
- tense uncertain and rapidly evolving circumstances
- subject's display of aggressive or assaultive behavior
- physical size of the subject (compared to the peace officer)
- need for immediate control of the subject due to tactical considerations
- peace 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 control is achieved, the force applied should be reevaluated.

NOTE: Subjects under the influence of drugs or alcohol may not comply immediately to physical force.

Control Holds

Definition

A **control hold** is a method for physically controlling a subject by manually applying pressure to a particular part of the body until the peace officer has control over the subject. A joint lock is a specific class of a control hold where the technique involves manipulation of subject's joints in such a way that they reach their maximal degree of motion.

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

Continued on next page

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
Direction and control	If a subject resists or does not respond to the control hold, the officer may initiate pain in order to obtain control. Once compliance is achieved, the controlling force should be reevaluated. The force used must be reasonable.
Close proximity of the peace officer and the subject	Peace 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.
With multiple officers	Communication and coordinator is essential for coordinating control between officers.

Continued training

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

Takedown Techniques

Definition

A **takedown technique** is a method for taking the subject to the ground so control the subject and the situation.

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:

- defuse a situation
- achieve greater control over a subject
- distract a subject
- control a situation
- reduce the ability of the suspect to effectively attack, strike, or escape

Continued on next page

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 peace officer and the subject	Peace officers are within striking distance of the subject during a takedown technique and are vulnerable to attack.
Team takedown	When possible peace officers should control the arms to prevent the subject from tucking their arms. Communication is important for coordinating control amongst officers.
A single technique may not be adequate to gain complete control of the subject.	Peace officer must be prepared to transition to another technique if the one currently being used is not working.

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 . . .	Objective ID
• Explain the purpose of using restraint devices on a subject	33.05.1
• Explain potential hazards when using restraint devices	33.05.5
• Demonstrate the proper application and correct positioning of handcuffs on a subject	33.05.3
• Discuss the responsibilities of the contact and cover officers when handcuffing multiple subjects	33.05.4

Continued on next page

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

Introduction

Restraint devices, such as handcuffs, are safety devices for both the peace officer and prisoner. Handcuffs inhibit/limit movement, 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 peace 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

Types of restraint devices (continued)

The following list identifies some types of restraining devices.

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

Potential hazards of restraint devices

Peace officers should be aware that the use of additional restraint devices to control a subject may cause additional concerns for the subject's physical well-being. Peace officers may consider repositioning subjects (e.g., place them on their side) to prevent injury.

Peace officers should have an operational understanding of their agency's policies and guidelines regarding recovery positions when using other restraint devices.

General Guidelines for Use of Handcuffs

Introduction

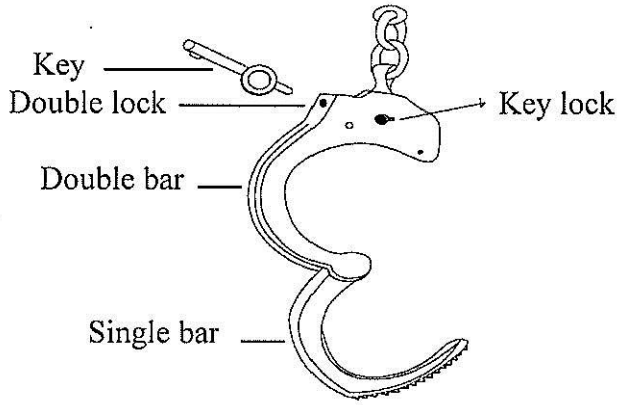
The most common restraint device available to peace officers is handcuffs. In order to maximize their effectiveness peace officers must be knowledgeable and skilled in their use.

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



Be familiar with other double-locking mechanisms.

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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 a peace officer's vehicle	• prisoner escape • threat to peace 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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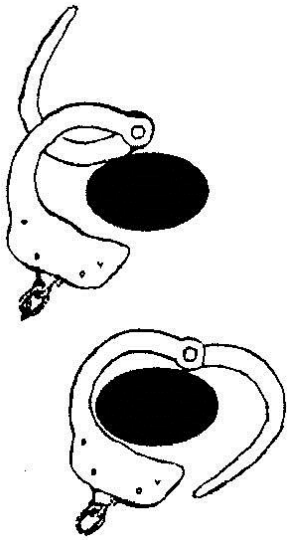
General Guidelines for Use of Handcuffs, Continued

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 peace 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 *contact officer* . . .	**The *cover officer* . . .**
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: • a subject makes a furtive move • to provide safety to the contact officer • the cover officer sees a weapon on a subject • the contact officer is ineffective • the contact officer is distracted
handcuffs the subjects	positions themselves 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. Peace 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:	Objective ID
• describe common transporting procedures that maximize officer safety and prevent prisoner escape	33.09.1
• describe the safe and secure positioning of a prisoner in an officer's vehicle	33.09.2

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

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 peace 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

Search the prisoner

Before transportation, any prisoner shall be searched by a peace officer for possible weapons. Confiscate any articles that can potentially be used for a weapon or is considered contraband. 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 peace 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 peace officer is limited by special circumstances (e.g., prisoner's arm in a cast, obese prisoner).

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

Positioning of the Prisoner in a Vehicle

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.
- A peace officer may assist the primary officer in placing the subject in the vehicle by moving to the opposite side of the vehicle and positioning the subject.

Use of seat belts

Prisoners should be seated in an upright position and wear seat belts during transportation. The seatbelt should be fastened in a manner that reduces possible injury to the peace officer (e.g., cross face seatbelt principle). 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 peace officer safety
- if available, have a backup or cover officer in the vehicle as well
- if the prisoner is leg restrained, refer to agency policy

Prisoner position in vehicle

Prisoners should be positioned in the vehicle to:

- ensure safety and welfare of the peace 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 arrest and control – awareness [33.01.1]	Awareness, as it relates to arrest and control, 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 arrest and control – balance [33.01.2]	Balance, as it relates to arrest and control, is the position that allows the officer to move in any direction with strength and coordination to maintain an advantage.
Principles of arrest and control – control [33.01.3]	General control is the degree of influence that peace officers must exert over subjects in order to take them into custody. The subject may still have options for movement while under the general control of a peace officer.
Vulnerable body parts [33.01.4]	During a confrontation with a hostile subject peace officers need to be aware of those areas of the body which require maximum protection during an attack.
Personal weapons [33.01.5]	Some body parts may be used as personal weapons against peace officers by a combative subject. Peace officers may also use personal weapons to strike available targets during an arrest/detention to control a combative and/or resistive subject, especially during ground control encounters. .

Continued on next page

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 [33.02.1]

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 [33.02.2]

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 [33.02.3]

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

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Agency considerations and restrictions for person searches of the opposite sex [33.02.4]

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 [33.02.6]

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 [33.02.5]

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

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 [33.03.1]

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:

- immediate threat to safety of peace officers or others
- actively resisting or attempting to flee
- severity of the crime at issue
- 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 [33.03.2]

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 [33.03.3]

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

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 [33.05.1]	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 [33.05.2]	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 [33.05.3]	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 [33.05.4]	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

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 [33.09.1]

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 [33.09.2]

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

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. Explain three ways the hands can be used as personal weapons.

2. Indicate the location of body parts that are most vulnerable to physical attack. Explain the potential results of an injury to each area.

Continued on next page

Activity questions (continued)

3. How does awareness relate to arrest and control? 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?

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.

Continued on next page

Activity questions (continued)

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

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

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

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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

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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 judgments 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

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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
ground control	A method of gaining control of a subject while on the ground
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 judgment 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

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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
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 judgment? (*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

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

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- 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
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