

FORCE OPTIONS SIMULATOR TRAINING for CPT 2017



Mission Statement

Patrol Officers will learn to safely and professionally resolve critical incidents involving subjects who may pose a danger to themselves or others but who are not armed with firearms. Reducing the need to use deadly force, upholding the sanctity of life, building community trust, and protecting Officers from physical, emotional, and legal harm are the cornerstones of this training.



COURSE GOALS

- Reinforce with patrol Officers the core ideal of sanctity of human life-the need to protect themselves and members of the public.
- Promote public safety and officer safety by learning and integrating skills and strategies related to decision making, crisis recognition, tactical communications, and safety tactics.
- Provide patrol Officers with a decision making model that is intuitive, practical, and effective for safely resolving non-firearm related critical incidents.



Course Objectives

- Increase awareness of current law and agency policies regarding use of force
- Improve proficiency in appropriate force option selection
- Improve decision making during stressful events (stress inoculation)
- Improve tactics during potentially violent confrontations
- Improve documentation of use of force



Law

PC 835a Authorizations:

Use of reasonable force to

- Effect arrest
- Prevent escape, or
- Overcome resistance



Law

PC 835a Protections:

- A peace officer need not retreat or desist because the suspect resists or threatens to resist
- Officer will not be deemed the aggressor
- Officer does not lose the right of self defense by using reasonable force





Graham vs. Conner

Force evaluation considerations

- Judged from the perspective of a reasonable officer
(*reasonableness standard*)
 - Officer with same or similar training and experience
 - Facing similar circumstances
 - Act the same way or use similar judgment



Graham vs. Conner

Force evaluation considerations

- Examined through the eyes of an officer on the scene at the time the force was applied
- No matter how compelling the evidence is to be found later
 - Toy gun



Graham vs. Conner

Force evaluation considerations

- Based on the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation
- Objective standard vs. subjective
- Based on the knowledge that the officer acted properly under the established law at the time



Graham vs. Conner

Factors

- The severity of the crime at issue
- The threat of the suspect to officers and citizens
- The active resistance of the suspect to arrest/escape



Scott v. Henrich (9th Circuit 1992)

- Officers do not necessarily need to use the least intrusive force
- Force must be **reasonable and justified**



Deadly Force

Objective and reasonable belief his/her life,
or another's, is in imminent danger of

- » Death or
- » Serious Bodily Injury

Given the **totality of the facts known** to the
officer **at the time** of his/her actions





Tennessee vs. Garner

- Fleeting Suspect
 - PC to believe that the subject poses a threat of death or serious physical harm, either to the officer or others
- Violent crime
 - PC to believe that he has committed a crime involving the infliction or threaten infliction of serious physical harm
- Deadly Force
 - probable cause to believe that the use of deadly force is reasonably necessary
- Warning
 - some warning be given prior to the use of deadly force where feasible



Forrett v. Richardson (9th Circuit 1997)

- This decision added to and clarified *Tennessee v. Garner*.
- It is not necessary that the suspect be armed at the time of the deadly force application, or threatened an officer with a weapon.
- Deadly force may be used to prevent the escape of an individual when the officer has:
 - “probable cause to believe that the infliction or threatened infliction of serious harm is involved”



Forrett v. Richardson (9th Circuit 1997)

- In this desperate attempt to escape after committing a violent felony and posing a significant threat to others, the capture of the suspect and limiting opportunities for further violence are crucial
- Warning to stop if feasible
- “Officers are not required to exhaust every alternative before using justifiable deadly force”



DGO 5.01 (Use of Force)

Officers may use force in the performance of their duties in the following circumstances:

- To prevent the commission of a public offense
- To prevent a person from injuring himself/herself.
- To effect the lawful arrest/detention of persons resisting or attempting evade that arrest/detention
- In self-defense or in the defense of another person

Before using force, the officer should consider these questions:

What actions **on the part of the suspect** justify the use of force?

What **crime** is being or has been committed?

Does the situation require the **immediate** use of force?

