

EXPANDED COURSE OUTLINE  
REGULAR BASIC COURSE 20  
USE OF FORCE

**Effective date of outline: October 1, 2019**

I. LEARNING NEED

Peace officers must recognize that they have the authority to use reasonable force to affect 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

- A. Discuss reasonable force as stated by law
  - 1. Amount of force necessary that is reasonable
  - 2. Reasonable by officer given the officer's training and experience
- B. Discuss the components of the Fourth Amendment standard for determining objective reasonableness as determined by the U.S. Supreme Court
  - 1. Judged from the perspective of a reasonable officer
  - 2. Examined through the eyes of an officer on the scene at the time force was applied.
  - 3. Based on facts and circumstances confronting the officer without underlying intent and motivation.
  - 4. Based on knowledge officer acted properly under established law at time.
- C. Explain the legal framework establishing a peace officer's authority during a legal arrest, including:
  - 1. A Subject's requirement to submit to arrest without resistance
  - 2. Peace officer's authority to use reasonable force during a detention or arrest
- D. Identify the circumstances set forth in the California Penal Code when a peace officer has the authority to use force
  - 1. Penal code 835 states officer has reasonable cause to believe that the person
  - 2. To be arrested has committed a public offense may use reasonable force to effect an arrest to prevent escape or to overcome resistance.
- E. Discuss the level of authority agency policies have regarding the use of force by a peace officer
  - 1. Limitations on the use of force are set by specific agency policy
  - 2. Such policies are attempts to provide rational guidelines and

3. to protect the officer and agency from criminal and civil liability

## II. 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

- A. Define the term “force option”
  1. Choices identified to a peace officer in each agency’s policy documentation
- B. Identify that the objective of using force is to overcome resistance to gain control of an individual and the situation
  1. Use type of force which is reasonable under circumstances.
  2. Use only reasonable force to overcome resistance and gain/maintain control.
  3. Use only the amount of and type of force permitted by agency policy.
- C. Recognize force options and the amount of force peace officers may use based on the subject’s resistance
  1. Amount of force should not exceed what is reasonable to overcome resistance
  2. Each agency must rely on officers judgment to employ objectively reasonable force for that specific situation.
  3. force for that specific situation.
- D. Explain the importance of training and ongoing practice when responding to potentially dangerous situations that may require the use of force
  1. It’s been established when officers respond to dangerous situations they
  2. revert back responses they learned in training. Their performance will depend on
  3. well they have trained and practiced those skill and abilities.
- E. Discuss the importance of effective communication when using force
  1. Safety: provides skills reducing physical confrontation and injuries.
  2. Professionalism: Improves community relations, decreases complaints,
  3. Civil liability and lessens personal and professional stress.

## III. LEARNING NEED

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

### LEARNING OBJECTIVES

- A. Identify the legal standard for the use of deadly force
  - 1. In 1985 based on a person's Fourth Amendment protection from unreasonable acts by peace officers, the United States supreme Court set a four part legal standard for the use of deadly force for fleeing subjects (Tennessee v. Garner). The court's analysis required balancing a person's fundamental interest in safety against the government's interest in effective law enforcement.
- B. Identify the factors required to establish sufficiency of fear for the use of deadly force
  - 1. Must to excite the fears of a reasonable person.
  - 2. Person must not act under influence of fear alone.
  - 3. Must be to save from great injury or death.
- C. Recognize facts an officer should consider when determining whether or not to use deadly force
  - 1. Preparation by training
  - 2. Judgment
  - 3. Mental alertness
  - 4. Emotional maturity
  - 5. Existing circumstances
  - 6. Understanding the law relating to
    - a. Agencies policies relating to the use of force
- D. Discuss the role of agency policies regarding the use of deadly force
  - 1. Defense against great bodily injury
  - 2. Warning shots
  - 3. Shooting at
    - a. Non violent fleeing felons
    - b. Juveniles
    - c. Moving vehicles
  - 4. Strikes to the head or neck.
- E. Recognize the law regarding justifiable homicide by a public officer and the circumstances under which the homicide is considered justifiable
  - 1. The officer is under orders to carry out a death sentence
  - 2. Acting in the course of his duty
  - 3. Retaking escaping felons
  - 4. Arresting felon who resists to the point deadly force becomes reasonable

#### IV. 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

- A. Describe why complete documentation of the use of force is critical to the peace officer and the peace officer's agency, to include:
  - 1. Justification for using force
  - 2. Relevant factors and detail

#### V. LEARNING NEED

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

##### LEARNING OBJECTIVES

- A. Discuss factors that can affect a peace officer's response when threatened with danger, to include:
  - 1. Fear
    - a. Reasonable
    - b. Unreasonable
  - 2. Anger
  - 3. Indecision and hesitation
- B. Give examples of acceptable techniques for managing anger
  - 1. Depersonalizing what people say or do
  - 2. Identifying worst-case scenarios
  - 3. Developing problem-solving solutions
- C. Describe the benefits of ongoing physical and mental training for peace officers involving the use of force
  - 1. Training and practice in both physical and emotional skills provides the
  - 2. Understanding and manipulative ability needed by a peace officer in the use of force in dangerous situations.

#### VI. 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 ACTIVITIES

- A. Explain the legal and administrative consequences associated with the use of unreasonable force
  - 1. Criminal action
  - 2. Civil rights violation
  - 3. Competency and punitive damages
  - 4. Administrative or agency action
  - 5. Moral impact
  
- B. Explain an agency's potential liability associated with the use of unreasonable force
  - 1. Liable under federal civil rights
  - 2. Sued for negligent or inadequate training of supervising inadequately
  
- C. Explain the consequences of an officer's failure to intervene when unreasonable force is used by another peace officer
  - 1. Increased stress
  - 2. Embarrassment
  - 3. Civil/criminal action
  - 4. Disciplinary action
  - 5. Loss of career
  
- D. Discuss immediate and delayed intervention techniques
  - 1. Verbal
  - 2. Physical
  - 3. Touch and restraint
  
- E. Discuss factors that may inhibit a peace officer from intervening in a situation where a fellow officer may be applying unreasonable force
  - 1. Personal: unfamiliar with fellow officer, peer pressure, inexperience
  - 2. Psychological factors: Erroneous notion on behavior, Fear.

## VII. REQUIRED TESTS

- A. The POST-Constructed Comprehensive RBC Test 1.
- B. The POST-Constructed Comprehensive RBC Test 2.
- C. The POST-Constructed Comprehensive RBC Test 3.
- D. A scenario test that requires the student to demonstrate proficiency in the use of force. The test must result in the student making a deadly force option decision.

The student is required to demonstrate proficiency in the following competencies:

1. Use of Force- The ability to distinguish and apply reasonable force options in given circumstances.
2. Problem Solving/Decision-Making-Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal Authority/Individual Rights- The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
4. Officer Safety- The demonstration of situational and tactical awareness and appropriate response.
5. Communication- The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
6. Ethics- Using accepted principles of conduct that govern decisions and actions based on professional values and expectations.
7. Stress Tolerance and Emotional Regulation- maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

- E. A scenario test that requires the student to demonstrate presenter approved impact weapon techniques in a force on force simulation against an instructor who is dressed in a protective suit.

The test must simulate the physical and mental stress that would be imposed by an actual street encounter where the student would be required to use an impact weapon to control a suspect and effect an arrest.

The student is required to demonstrate proficiency in the following competencies:

1. Use of Force-The ability to distinguish and apply reasonable force options in given circumstances.

2. Problem Solving/Decision-Making-Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal Authority/Individual Rights- The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
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Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

- F. A scenario test that requires the student to demonstrate proficiency in the use of effective communication, command presence, and appropriate physical control during the detention of a verbally uncooperative individual.

The student is required to demonstrate proficiency in the following competencies:

1. Use of Force-The ability to distinguish and apply reasonable force options in given circumstances.
2. Problem Solving/Decision-Making-Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal Authority/Individual Rights- The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
4. Officer Safety- The demonstration of situational and tactical awareness and appropriate response.
5. Communication- The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
6. Ethics- Using accepted principles of conduct that govern decisions and actions based on professional values and expectations.
7. Stress Tolerance and Emotional Regulation- maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms

approved by POST, which minimally include the performance dimensions used for this scenario test.

## VIII. REQUIRED LEARNING ACTIVITIES

- A. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities for Leadership, Ethics and Community Policing (December 2005)* or other comparable sources regarding use of force. At a minimum, each activity, or combination of activities must address the following topics:
1. Exercise of leadership in the application of reasonable force
  2. Impact of ethical decision-making on the selection of appropriate force options
  3. Evaluation of the effectiveness of force option choices
  4. Consequences for the use of unreasonable force on the officer, community perception and public trust

### EXPANDED COURSE OUTLINE REGULAR BASIC COURSE LEARNING DOMAIN 20 De-Escalation (Pilot)

## INTRODUCTION

### I. LEARNING NEED

Peace officers must understand how the principles of de-escalation can provide effective tools during contacts with the public and result in improved decision-making, reduction in situational intensity, and providing opportunities for outcomes with greater voluntary compliance.

### LEARNING OBJECTIVES

#### A. Provide history of de-escalation

1. Provide historical context to the national focus on the concept of de-escalation
  - a. For decades, law enforcement training has included de-escalation techniques and strategies such as Dr. George Thompson's, Tactical Communication's program, aka Verbal Judo, that was developed in the early 1980s. CA POST began its affiliation with Dr. Thompson and his Tactical Communication's program in 1992 and has had a continued MOU with their Verbal Judo Institute since that time to use their program.



- b. Communication skills and verbal commands has always been an essential component of law enforcement training and use of force options
- 2. Discuss from a historical context the issues of public trust of law enforcement in the context of use of force incidents
- 3. Explain how current methodology consolidates instruction into one block to improve continuity of content as a scaffolding framework for future learning emphasizing the focus on the safety of officers and citizens alike

B. Define de-escalation [Learning Activity #1]

- 1. Common Misconceptions
  - a. If an officer uses force, that means they failed to de-escalate
  - b. A soft form of policing
  - c. Officers losing control at scenes
  - d. Officers being required to walk away or retreat
  - e. Letting your guard down
  - f. Too difficult to apply in rapidly changing situation
- 2. Definition
  - a. *“De-escalation is the process of using strategies and techniques to decrease the intensity of the situation”*
- 3. Benefits of the practice of de-escalation
  - a. Positive impact on public trust
  - b. Reduced danger to officer and the public
  - c. Improved community cooperation
  - d. Positive impact on officer wellness

C. De-escalation four core conceptions

- 1. Self-Control
  - a. Physiological Factors
    - 1) Educate students about the physiological effects which may occur in response to novel stimulus or fear
    - 2) Educate students on methods to control physiological effects (tactical breathing)
  - b. Psychological Factors
    - 1) Educate students about the mindset of first responders
    - 2) Educate student about wellness and mindfulness (materials/research/resources/tools)
- 2. Effective Communication (LEAPS)
  - a. L - LISTEN
    - 1) Must project a “Listening Face”

- 2) While using the four steps of active listening
  - a) Open
  - b) Hear Initially
  - c) Interpret
  - d) Act Appropriately
- b. E – EMPATHIZE
  - 1) Project an “Empathetic Face”
  - 2) Develop a sense of “otherness”
    - a) A sense of what it might be like to see through the eyes of the other subject and then construct a verbal means to relate to that subject
  - 3) Citizens have a point of view, right or wrong, just or unjust. You do not have to agree with anything they say, you should simply try to understand their perspective
- c. A – ASK
  - 1) Using the Fact-Finding type of questions
    - a) Fact Finding- Who, What, Where, When Why and How?
  - 2) Forecast/Set Context-Explain to your audience the direction you will be taking and the purpose of the questioning
  - 3) Vary the questions to lessen resistance or to calm the audience
- d. P – PARAPHRASE
  - 1) The single most powerful communication tool
  - 2) Paraphrase is a necessary backup system to communication
  - 3) You put the other person’s meaning into your words
- e. S – SUMMARIZE
  - 1) Creates a concluding decisiveness and authority because the officer now explains what is going to be done in response to the problem. Could be immediate action or a future follow-up.
  - 2) This tool can also be used if the verbal interaction gets interrupted; the officer can return to the conversation with a summary of what has been discussed up to that point, which refocuses the conversation and it can be continued from that point on. Ultimately, reconnects communication when and if it is temporarily interrupted.
3. Scene Assessment & Management
  - a. Information gathering
    - 1) Pre-planning and coordination
    - 2) Effective use of available resources
  - b. On-Scene Assessment
    - 1) Scanning for additional concerns and threats (i.e., traffic, available weapons, potential subjects, threats to citizens – refer LD 20, section XX)
    - 2) Speak to persons (witnesses, victims, reporting parties, other officers, subject)

4. Scene Management
  - a. Safely contain the subject (may provide for opportunity for subject's self-regulation—controlling lights/sirens/other environmental stimulus; one person speaking to subject)
  - b. Coordinate additional responding units
  - c. Request and allocate resources
  - d. Re-assess and adjust resources and respond as needed
  - e. Consider fluidity and time (Speed it up or slow it down: consider the windows of opportunity)
  - f. Force Options - Reasonable use-of-force may reduce situational intensity for the safety of all parties
  
- D. Understand the components of a Critical Decision-Making Model
  1. Information collection
  2. Law and policy
  3. Plan formulation
  4. Action and reassessment
  5. Respect for human life and dignity
  
- E. Introduce the Critical Decision-Making Model [Learning Activity #3]
  1. Collect information
    - a) Obtain information about the call for service
      - 1) Dispatch (De-escalation begins with dispatch)
        - (a) Are there weapons involved?
        - (b) Subjects history
        - (c) Nature of the call (e.g., suicidal subject, pedestrian walking on freeway, etc.)
      - 2) Reporting parties
      - 3) Witnesses
      - 4) Other peace officers
      - 5) Prior contact with subject or residence
      - 6) Contact family members
      - 7) Contact mental health
      - 8) Social media
  2. Assess Threats and Risks
    - a) Determine if the subject and situation pose a threat or risk to others
    - b) Immediate Threat-Does it require an immediate response?
    - c) Is there an imminent threat in the foreseeable future that requires action?
  3. Assessment of Environment
    - a) Situational Awareness
    - b) Assessing and requesting appropriate resources (back-up officers, specialized equipment, officers with specialized skills)
    - c) Cover and concealment
    - d) Distance between officers and subject
  4. Assessment of Subject
    - a) Subject's behavior

- b) Subject's condition (Mental health/alcohol/drugs)
- c) Possible communication issues (Language/development)
- d) Suspect access to weapons
- e) Special skills or knowledge
- 5. Law and Policy
  - a) Is there a legal reason or obligation to act?
  - b) What legal powers does the officer have based on federal, state and local ordinances?
  - c) Is it within agency policy?
- 6. Plan
  - a) Scene Management
    - 1) Identify roles and responsibilities
    - 2) Discuss, "what-ifs" (contingencies)
    - 3) Consider options and resources (call for back-up, equipment, specialized personnel or skill set)
- 7. Actions, Reviews and Reassess
  - a) Implementation of plan and continually making adjustments
  - b) Officer acts and assesses whether the action had the desired affect
  - c) If action had the desired effect, is there anything more that can be done?
  - d) Officer reviews what lessons were learned that could assist in the future
  - e) If the situation is not resolved, the officer "spins the model" and goes back to an earlier step of gathering additional information thus reassessing the situation, threats, and risks; considering other options.

## G. Time

- 1. First responder duties and decisions
  - a) Assess the scene (immediate threat or problem)
    - 1) Is there an immediate threat?
      - (a) Time is compressed
      - (b) Action required
      - (c) Window of opportunity
    - 2) Is it a problem?
      - (a) Remember time is on your side
- 2. Ability to Plan
  - a) Develop options if time allows
  - b) Gather resources
    - 1) Additional personnel
    - 2) Crisis team
    - 3) Force Options
- 3. Slow Down
  - a) Purpose of slowing it down
    - 1) Culture of speed-purpose of slowing it down which buys time to bring additional resources to the scene
  - b) Manage the situation safely and effectively
    - 1) In the first critical minutes, it is up to the patrol officer to manage the situation safely and effectively

- c) Maintain self-control (officer)
  - d) Allows the subject to make rational decisions
  - e) Allows time to negotiate
  - f) Allows officer to not escalate a situation
4. Immediate threat requires immediate action
- a) Active shooter
  - b) Ambush
  - c) Confrontation with armed person

## H. Using Strategic Communication for De-escalation [Learning Activity #4]

### I. Documentation

1. The steps to de-escalate are rarely documented, so there is little proof of how often law enforcement de-escalates.  
 “Five tips from Force Science on de-escalation):
  - a) De-escalation is not just words, it is an integrated response
  - b) If you cannot achieve contact, you cannot de-escalate
  - c) De-escalation begins with you
  - d) Focus on the outcome, not the cause
  - e) Police Officers can do everything right and things can still go wrong
2. Avoid using “de-escalation” as a stand-alone verb. Describe actions taken and to include all details of the call:
  - a) Nature of the call
  - b) Initial observations when arriving to the scene (e.g. Subject’s actions)
  - c) Officer’s actions-the steps you took (to create distance, putting barriers between you and the subject, called for backup, interactions with subject, etc.)
    - a. Was de-escalation successful? If so, why? If not, why not?
3. Use the CDM model as a checklist when authoring your report:
  - a. Collect information
  - b. Assess threats and risks
  - c. Law and policy
  - d. Plan
  - e. Actions, review and reassess

## II. Current Event(s) Discussions

## III. REQUIRED TESTS

## IV. REQUIRED LEARNING ACTIVITIES

## V. Instructor's Guide to Learning Activities

### IX. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on the use of force.

<u>Description</u>	<u>Hours</u>
POST Minimum Required Hours	<u>16</u>
Agency Specific Hours (Pilot)	<u>4</u>
Total Instructional Hours	<u>16</u>