Statement of Purpose:
The course will provide deputies, who work in a variety of assignments, a working knowledge of the minimum requirements for developing & maintaining your survival mindset, constitutional limitations to the use of force, handcuffing/searching, restraint and skills including verbal commands, de-escalation techniques and alternatives to the use of physical or deadly force. This course will provide the changes in laws and policy dictated by SB230, AB392 and PC835a (to include PC196).

The course may consist of a power point presentation, live scenarios, and hands-on/practical skills training which pertains to the above mentioned subject matter for in-service deputies.

Learning Outcome:
Deputies completing this course will be evaluated and tested for their understanding of the legal standards for use of force under the current laws and department policy. Deputies will have updated training in verbal commands, de-escalation, defensive tactics and the application of handcuffs. Deputies will demonstrate knowledge of the importance of mental/physical conditioning as it relates to effective arrest/control techniques and demonstrate decision making under stress.

I. Registration, Introduction and Course Overview
   a. POST roster distribution
   b. Course overview
      1. Use of Force policy changes per SB230 and legal update.
      2. Pre-assault indicators, mindset (suspect’s action and deputy response).
      3. Defensive tactics
         a. Stance, movement, falls and getting up.
         b. Handcuffing, searching and escorting.
         c. Verbal Commands/De-escalation
         d. Testing and evaluation.
Lecture / Power Point

II. 7 Major areas of potential litigation (Covers PSP Arrest/Control: b. Use of Force Considerations)
   a. If we are going to get sued, it will most likely be in one of the following areas:
      1. Pursuits
         a. When the officer or the fleeing suspect causes an accident
      2. Shootings
         a. Officers will almost always be sued after an officer involved shooting.
      3. Impact Weapons
         a. The injuries sustained can lead to law suits.
      4. Entries into residences
         a. Unlawful entries open us up to major civil issues especially if it results in a use of force.
      5. Handcuffing and Arrests
         a. Make sure probable cause exists.
         b. Check for fit and double lock.
      6. Taser
         a. More and more deaths are showing tazers as a contributing factor.
         b. This means more lawsuits.

III. Qualified immunity (Covers PSP Arrest/Control: a. Legal Standards, b. Use of Force Considerations)
   a. Extends to deputies engaged in the performance of discretionary acts.
      1. If the deputy is acting in good faith they are immune from civil liability.
   b. It is lost when there is a breach of clearly established Constitutional law.
      1. Any time there is a breach of Constitutional law there is no immunity for the deputy.
         a. This opens them up to civil liability.
   c. Report writing detail and fundamentals become critical to properly explain the foundation for any force used.
IV. Foundations of Force (Covers PSP Arrest/Control: a. Legal Standards, b. Use of Force Considerations)

a. Seizures of persons
   1. Intentionally use force or influence to stop movement, OR
   2. The person submits to show of authority.
      a. This is in the mind of the person being contacted, not the officer.
      b. Deputy should make every effort to identify themselves verbally.

b. Classifications of police contacts
   1. Consensual
      a. The subject is free to leave and decline conversation.
      b. No coercion by the officer at any time.
   2. Detentions
      a. Based on reasonable suspicion.
      b. Subject is not free to leave.
      c. Reasonable force can be used to enforce the detention.
   3. Arrest
      a. Based on probable cause.
      b. The subject is not free to leave.
      c. Reasonable force can be used to enforce the detention.

c. Special Detention searches
   1. Terry search
      a. Limited search for weapons
      b. Officers need two separate reasonable suspicions to stop and search for weapons.
         1. Evidentiary standard to support the detention.
         2. Suspicion of the subject’s armed and dangerous status.
   2. Officer safety searches
      a. Officer’s duties require close proximity to the subject.
      b. Circumstances show the subject may be armed.
      c. The intrusion balances with the apparent danger of the circumstances for the detention.

d. Reasonable Suspicion
   1. An objectively justifiable suspicion that is based on specific facts, behavior or circumstances that are clear, unbiased, fair and justified that relate to a crime that has occurred, is occurring or is about to occur.
   2. This is not an arrest.
a. It is an investigatory contact.
b. Can still consider protected characteristics (race, sex, age, etc.) in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident or specific criminal patterns.

e. Probable Cause
   1. A set of specific facts or circumstances known to the police officer that would lead a reasonable and prudent person to believe
   2. That the person to be arrested has committed a crime.
   3. That the place to be searched was the scene of a crime.
   4. That the place to be searched contains evidence of a crime.
   5. That property to be seized is contraband, stolen or constitutes evidence of a crime.
   6. This is an arrest.
      a. The investigation lead to the conclusion that the person detained committed the crime.
      b. It does not mean we are 100% certain. It just means a reasonable person would believe it. There may still be additional investigation needed.

V. 835a P.C. (AB 392) (Directly reference section PC835a to include PC196)
(Covers PSP Arrest/Control: a. Legal Standards, b. Use of Force Considerations)
a. Officers may use reasonable force to affect arrest, prevent escape, and overcome resistance.
   1. Evaluated by the perspective of an objectively reasonable officer:
      a. Based on the totality of the circumstances known to the officer at the time.
      b. Totality of the circumstances is defined as all the facts known to the peace officer at the time, including the conduct of the officer and subject leading up to the use of deadly force.
   2. Deadly force
      a. Any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.
      b. Imminent threat of death or serious bodily injury to the officer or to another person.
c. Based on the present ability, opportunity and apparent intent of the subject, not based on fear alone.

3. Mental Health or cultural concerns
   a. Individuals with physical, mental health, developmental or intellectual disabilities may not have the ability to understand or comply with commands from peace officers.
   b. Language or cultural factors should be taken into consideration.
   c. Shall not use deadly force against a person based on the danger that the person poses just to themselves.
   d. Use of de-escalation tactics can be useful when dealing with this population.

4. Officers need not retreat or desist from efforts based on the suspect’s actions. (Covers PSP Arrest/Control: a. Report Writing, b. Use of Force Considerations, d. De-escalation, h. Subject’s Action and Deputies response to force)
   a. Officers are not required to back down if threatened.
   b. Officers are also not required to retreat from the suspect. “Retreat” does not mean tactical repositioning or other de-escalation tactics. All efforts to de-escalate should be documented in accordance with Sheriff’s Office use of force policy.
   c. This could create tactical issues for the officers.
   d. If the officer has a tactical advantage they do not need to give it up.

   a. The force that an objective, trained and competent employee, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody or gain compliance with a lawful order. (Title 15CCR section 3268)
      a. Factors to determine the reasonableness of force (documentation).
         1. Reference Policy 300.3.2 for list of factors.
      b. Alternative tactics de-escalation. (Reference Policy 300.3.6) (discuss time, distance, cover & documentation).
         a. Deputies should consider actions that may increase deputy safety and may decrease the need for using force.
c. Medical Consideration
   a. Once it is reasonably safe to do so, deputies should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (documentation).

VII. Excessive and Biased Use of Force (Covers PSP Arrest/Control: a. Legal Standards, b. Use of Force Considerations)
   a. Title 18 U.S.C. 242 & 241
      1. Deprivation of any right under color of authority.
         a. This applies when we are on the job.
      2. Conspire to injure, oppress, threaten, intimidate.
         a. While employed as a uniformed peace officer.
   b. Title 42 U.S.C. 1983
      1. Civil rights act (punitive damages)
         a. If we intentionally violate a person's civil rights we can be held personally liable.
   c. Failure to intervene
      1. Deputy present and observing another deputy:
         a. Using force that is clearly beyond that which is objectively reasonable under the circumstances
         b. When in a position to do so.
         c. Will intercede to prevent the use of unreasonable force
         d. Promptly report these observations to a supervisor.
   d. Fair and Unbiased Use of Force
      1. Deputies are expected to carry out their duties, including use of force, in a manner that is fair and unbiased.

VIII. Graham VS Conner (Covers PSP Arrest/Control: a. Legal Standards, b. Use of Force Considerations)
   a. Two effects of this decision:
      1. It created a national standard for all police uses of force.
         a. Prior to Graham all states operated under their own use of force standards.
      2. Moved all uses of force under the 4th amendment.
         a. This qualified the use of force as a seizure.
   b. Factors in the use of force under Graham
1. Officers have the right to use force within the authority of arrest.
   a. Based on the thresholds talked about before.

2. Officers are forced to make split second decisions.
   a. Lawyers can debate for months decisions officers have to make in split seconds.

3. Officers are not measured against "underlying motive."
   a. You may have policy issues with this, but not necessarily with the courts.
   b. So long as the force was justified.

4. Must consider whether the suspect poses an immediate threat to the safety of officers or others.
   a. If there is no threat we cannot use force.

5. Must consider the severity of the crime at issue.
   a. The force used must match the crime at hand.

6. Active resistance by the suspect to the arrest or attempt to evade arrest.

7. Reasonableness must be judged from the perspective of the officer at the scene.
   a. It is what the officer experienced NOT anyone else.

8. Reasonableness is not based on 20/20 hindsight.
   c. Objective reasonableness defined:
      1. From the perspective of a reasonable officer.
      2. Totality of the facts known at the time the force was used.
         a. Things learned "after the fact" are not considered.
      3. Without regard for the officers underlying intent motivation.
      4. Based on the knowledge the officer acted properly under established law at the time.
         a. If we do not act properly under established law we cannot be objectively reasonable.

IX. Tennessee VS Garner (Covers PSP Arrest/Control: a. Legal Standards, b. Use of Force Considerations)
   a. Set strict guidelines in the use of deadly force to stop fleeing felons
      1. Moved deadly force under the 4th amendment
      2. Created a national standard for the use of deadly force against a fleeing suspect.
      3. Created the "reasonable officer standard"
         a. Would an officer with same or similar training and experience,
         b. facing like or similar circumstances,
c. Act in the same way or use similar judgment?

b. Main considerations:
   1. Only the facts known to the officer at the time of the shooting.
   2. The type of crime involved.
      a. Officers cannot shoot a grand theft suspect in the back if they are fleeing, unless there are other circumstances involved.
   3. Threat to present or future officers should arrest be delayed.
   4. Threat to the public should the suspect get away.
   5. Type of resistance offered by the suspect.
   6. A warning to stop should be given, if possible.

c. Garner Test:
   1. Officer has the probable cause to believe the suspect committed or threatened a crime of violence AND
   2. He is believed to be armed or presents a danger to the public or officers.

d. Basis for deadly force
   1. The objective and reasonable belief that your life or safety (or another's) is in imminent danger of death or great bodily injury given the totality of the facts known to the officer at the time of their actions.
      a. Imminent jeopardy = Perceived threat, ability, means, and opportunity.
      b. Serious bodily injury = Loss of consciousness, concussion, bone fracture, impairment of bodily member or organ, wound requiring extensive suturing, or serious disfigurement.

   a. Reportable Force
      1. Any application of physical techniques or tactics, chemical agents or weapons.
         a. Does not include compliant restraining, handcuffing, searching, or escorting (Discuss Sheriff’s Policy 300.3.2 for a list of factors which help dictate appropriate force response and subsequent documentation).
         b. Shall be documented.
c. Supervisory notification shall be made as soon as practicable.
d. Supervisors should respond to any reported use of force. (refer to policy 300.7)
e. Providing medical aid for recovery when applicable/appropriate and subsequent report documentation.

XI. Pre Assault Indicators (Covers PSP Arrest/Control: h. Suspect’s Actions and Deputies response to force)
   a. M.A.P.S. – Behavioral Indicators of an assault (Suspects actions and deputy response)
      1. Motor Activity
         a. Pacing, Restlessness, Clenching teeth or fists, Rapid uneasy breathing, Jumpy, inappropriate sweating, Searching or shifting eyes, Target seeking, looking for escape routes, repetitive movement, physical signs of avoidance, retreating from the officer.
      2. Attitude Pattern
         a. Disorientation, extreme euphoria or distrust, controlled anger or rage, rapid mood swings, sadness, hopelessness.
      3. Posture Signals
         a. Excessive eye contact, staring or studying, mad-dogging, gripping objects, distorted facial features, blank expression, a fighting stance.
      4. Speech Patterns
         a. Angry, loud, forceful, quiet but pushed, answer questions with questions, statements about persecution or distrust of law enforcement.

XII. Physiological effects of the combat experience (Covers PSP Arrest/Control: h. Suspect’s Actions and Deputies response to force)
   a. Our bodies will undergo significant changes during periods of intense stress and it is important to understand these so you can operate through it.
      1. Tunnel vision
         a. Our vision constricts and focuses on the threat to our safety.
      2. Loss of hearing
      3. Loss of fine motor skills
a. This is caused by the blood moving to our core and away from our extremities.

4. Voiding the bowels and bladder
   a. This is a normal occurrence due the body getting rid of anything it does not need to survive.

5. Sense of non-reality
   a. The feeling of "This isn’t happening."
   b. It can take time for these unexpected things to register

6. And the most dangerous – hyper-vigilance or freezing in place
   a. This leaves us as a stationary target for any assault.
   b. When in doubt MOVE.

7. Fight or Flight
   a. This is the body's natural, uncontrollable reaction to a perceived threat.
      1. The heart rate will elevate and a dump of adrenaline and other chemicals will occur.
      2. This is an uncontrollable response by our bodies and we are hardwired from birth.

XIII. Preparing for the combat experience (Covers PSP Arrest/Control: h. Suspect’s Actions and Deputies response to force)
   a. Visualization:
      1. Visualize yourself engaged in a variety of combat experiences, always picture yourself taking some kind of action and ALWAYS picture yourself WINNING!
         a. Studies have shown that visualization can be nearly as beneficial as physical training.
         b. This has been done with a basketball study and a piano study.
   b. Practice:
      1. How you train often times dictates how prepared you are for combat and how quickly you will respond.
         a. This will develop your body's auto response to certain situations.
         b. It will help you react faster to situations you have trained for.
   c. Survival Mindset:
      1. In a life or death struggle, you MUST have the will and desire to win.
         a. Quitting is not an option.
         2. No one wants to take a human life.
a. Numerous people who have been involved in officer involved shootings. None of them were glad it happened.

3. When in doubt MOVE!

d. In the Aftermath:
   1. Consider Professional counseling and/or peer support.
   2. Resist the urge to second guess yourself.
      a. This can be a seriously destructive path.
   3. Accept the fact that there will be many "Monday Morning Quarterbacks" forming opinions about what you should or should not have done.
      a. You don’t have to agree or listen to them, just understand they are there.

Physical Skills

ALL PHYSICAL SKILLS WILL BE DEMONSTRATED BY INSTRUCTOR & REPEATED BY THE STUDENT INSURING PROPER UNDERSTANDING OF PHYSICAL SKILLS MATERIAL

XIV. Safety Protocols (Covers PSP Arrest/Control: c. Safety Orientation and Warm-ups)
   a. Review the POST approved safety plan.
      1. Read through the safety protocol with the students and instructors.

XV. Injury Prevention (Covers PSP Arrest/Control: c. Safety Orientation and Warm-ups)
   a. Be sure to maintain a safe learning environment
      1. Do not allow egos to get in the way of learning.
   b. If anyone calls stop, everyone stops.
      1. Do not continue what you were doing then stop, stop immediately.
   c. Be aware of your surroundings.
      1. Do not crash into other people or objects.
   d. Instructors and students are responsible for making sure no one gets hurt.
      1. Instructors are primarily responsible for ensuring a safe environment.
      2. Students share in the responsibility to keep things safe
         a. No horseplay will be allowed.
   e. Warm Up, stretching.
f. Check the egos at the door.

XVI. Stance (Covers PSP Arrest/Control: e. Body balance/stance/movement patterns - in exercises)
   a. Interview
      REDACTED
   b. Combat
      REDACTED

   a. Getting off line (to an angle)
      REDACTED
   b. Fight to the known
      REDACTED

   a. Setting up barriers
      REDACTED
   b. Triangulation
      REDACTED

XIX. Falls (Covers PSP Arrest/Control: e. Body balance/stance/movement patterns - in exercises)
   a. Falls to the back
      REDACTED
   b. Falls to the front
      REDACTED

XX. Getting up from defensive ground position (Covers PSP Arrest/Control: e. Body balance/stance/movement patterns - in exercises)
   a. While seated
      REDACTED

   a. One or Two deputy escort.
      REDACTED
   b. Two person
      REDACTED

THE FOLLOWING SKILLS ALLOW FOR INCIDENTAL CONTACT, HOWEVER ANY FORCEFUL PRESSURE APPLIED SHALL BE IN ACCORDANCE WITH SHERIFF’S OFFICE USE OF FORCE POLICY

ALL POTENTIAL FORCE SITUATIONS SHOULD INVOLVE CLEAR/ CONCISE VERBAL COMMANDS AND DE-ESCALATION TACTICS WHERE APPROPRIATE AND/OR FEASIBLE. INSTRUCTOR WILL DEMONSTRATE AND STUDENT WILL REPEAT WITH EACH PHYSICAL SKILLS TRAINING (Policy 300.3.6 Alternative Tactics – De-escalation)

a. Handcuffing (Quick-cuff)
   1. Standing
   2. Kneeling
   3. Prone
   4. Other considerations
      a. First Aid - Suspect injured, wounds, fractures.
      b. Special circumstances (i.e. pregnant females).
      c. Complaint of pain should be documented.
      d. Keep your cuffs in good working order: clean, oil and inspect.

b. Non-restrained pat search (Covers PSP Arrest/Control: f. Search)
   1. Special Detention Searches
      a. Terry Search
         1. Limited search for weapons
         2. Deputies need two separate reasonable suspicions to stop and search for weapons.
            i. Evidentiary standard to support the detention.
            ii. Suspicion of the subject’s armed and dangerous status.
      2. Officer safety searches.
         a. Officer’s duties require close proximity to the subject.
         b. Circumstances show the subject may be armed.
c. The intrusion balances with the apparent danger of the circumstances for the detention.

3. Additional considerations.
   a. Wear protective gloves.
   b. Unzip or remove bulky or multi-layered clothing.
   c. Check socks and shoes.
   d. Use flashlight to illuminate into pockets or bags before putting your hands blindly into them.
   e. Always search a subject transferred to your custody from another deputy or allied agency in the field.
   f. If able, use patrol vehicle, a wall or surface to control the subject during the search.

XXIII. Discuss of Use of Force Policy, Restraint/Equipment use (Covers PSP Arrest/Control: g. Equipment/Restraint Devices use – in exercises)
        (Reference Policy 302.1 for type of restraints and situational uses, documentation and medical considerations)

XXIV. Take downs (Covers PSP Arrest/Control: i. Control/Takedown – in exercises Verbal Command)
   a. One person takedowns
      REDACTED
      1. Outside Trip Takedown
   b. Two person takedowns
      REDACTED
      1. High / Low Takedown
      REDACTED

XXV. Take down defense (Covers PSP Arrest/Control: i. Control/Takedown – in exercises Verbal Command)
   a. Sprawl
      REDACTED
   b. Head control
      REDACTED
   c. Under-hooks
      REDACTED
   d. When pinned against a barrier
      REDACTED
XXVI. Testing / Evaluation (Covers PSP Arrest/Control: j. Class exercises/ Student Evaluation/ Testing)
   a. Deputies will be tested in each area (handcuffing, and impact weapons) based on balance, proper technique and knowledge of policies and procedures.
   b. Any student scoring below standard on any exercise, as established by the instructor/presenter, will be remediated/tested until standard is achieved.