



NEWTON POLICE DEPARTMENT

FY 18 Inservice Training

**Transitional Oleoresin Capsicum,
Basic Baton, and Use of Force
Training**

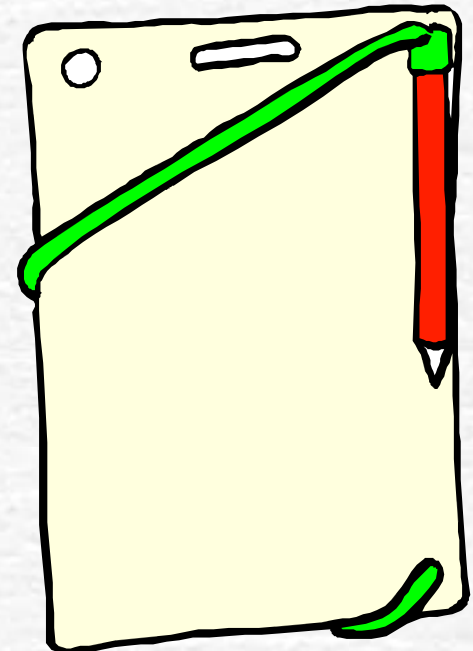


Instructor
Sgt. Frank Eldridge



Class Outline

- Pepper Spray Training and Certification
 - Arrest techniques utilizing OC
 - Written Test
- Baton Training
 - Proficiency Tests
 - Handcuffing Review
- Use of Force Review



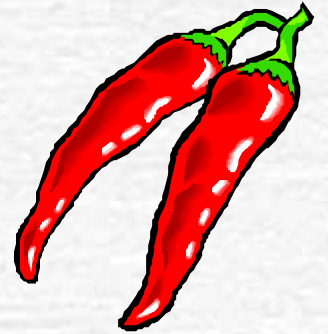
OLEORESIN CAPSICUM

Pepper Spray Certification



Granted permission by COP Tactics for use at all MPTC Training classes

What is OC?



- The hot portion of various types of **peppers** mixed with a **propellant** and placed into a variety of **spray containers**.

What is the goal?

- To temporarily **distract** or stop a subject long enough to **gain control** and ultimately **handcuff** the subject.



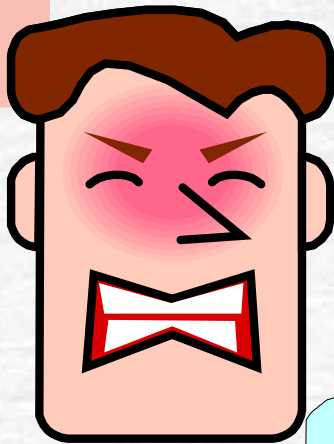
How does it work?

- ☞ Classified as an inflammatory agent
 - Versus MACE
- ☞ May cause several reactions
- ☞ These physical reactions combined with any psychological responses can cause the subject to lose some of the ability and/or desire to continue resisting

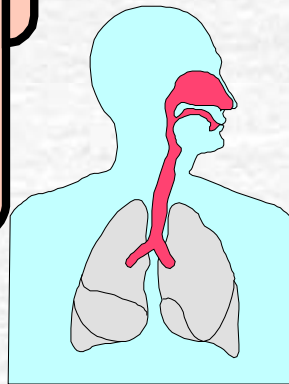
Body parts affected by OC



☛ **EYES**

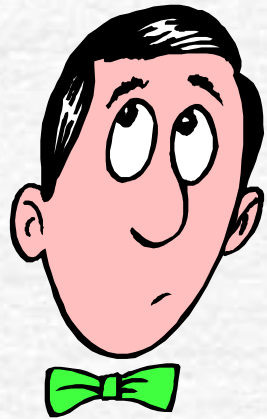


☛ **SKIN**



☛ **RESPIRATORY TRACT**

Psychological Affects



☛ **CONFUSION**

☛ **PANIC**

☛ **FEAR**

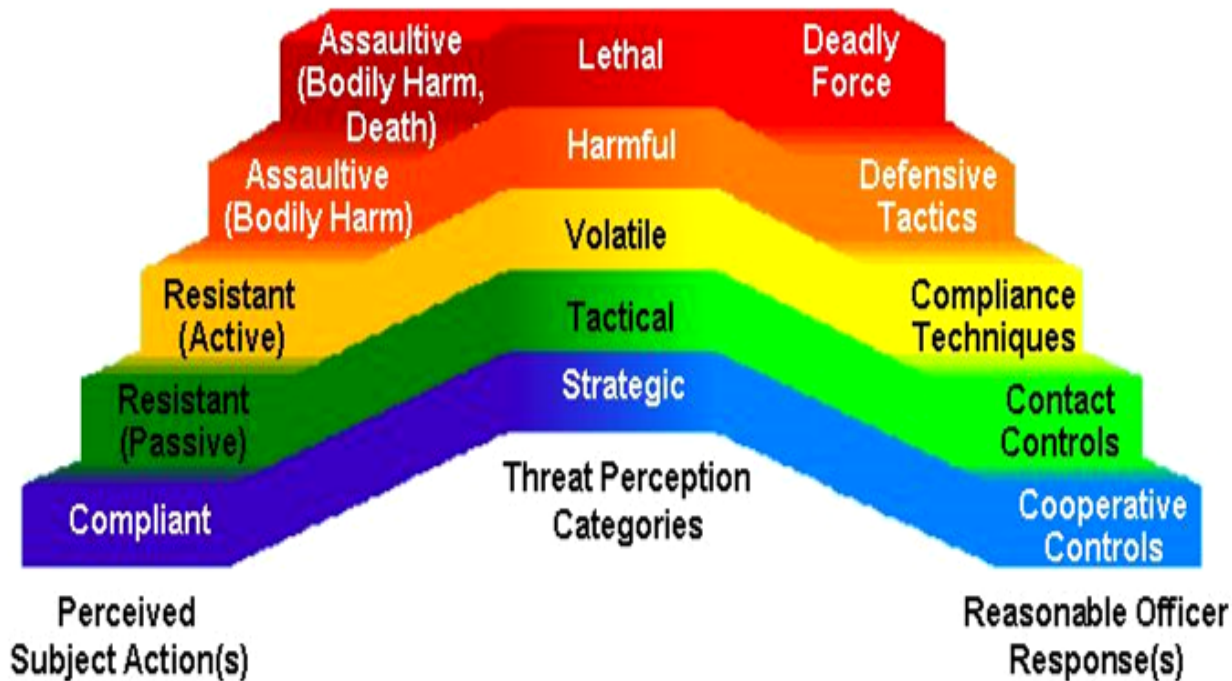
OC and Use of Force

☞ Volatile Risk

- Justification to draw the OC

☞ Active Resistant

☞ Compliance Technique



Where and how much?

- ☞ **4-6 feet**

- Potential eye injury if sprayed closer

- ☞ **One second or less**

- ☞ **Target is the face**

Conditions that can affect OC's effectiveness



Environmental

- Weather

Officer

- To close or too far
- Over spraying

Subject

- Ability to fight through effects

Pre-Spray Conditions

- **Try to minimize effects on others**
- **Warn officer of intention to spray**
 - **"SPRAY"**

What if I perceive that an OC spray was ineffective?

- ☞ **Move**

- ☞ **Create distance**

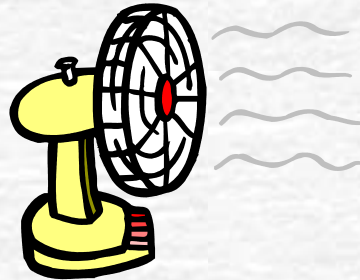
- ☞ **Re-evaluate**

- Re-spray
- Transition to another force option
- Control and handcuff

What if it appears that the OC distracted the subject?

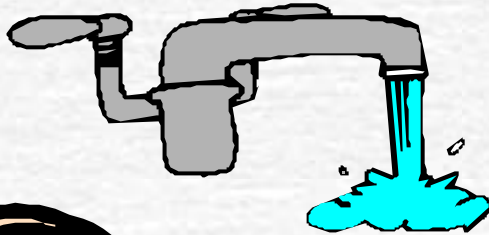
- ☞ Move
- ☞ Use angles
- ☞ Wait
- ☞ Immobilize and control
- ☞ Handcuff
- ☞ Be prepared to:
 - **Re-spray, disengage and/or transition**

After handcuffing, what to do to assist the subject



Move subject into fresh air

- Cool air is best



Cool water

- If practical, if available
- Do not rub



Talk to subject

Monitor and Evaluate:

Things to do

- ☞ Monitor the subject for symptoms of injury and/or other medical concerns.
- ☞ See that they are responsive
- ☞ Talk to the subject
 - Tell them they will be OK and to breath normally
 - Your voice will help to alleviate fear and panic
 - Fear and Panic can cause a subject to hyperventilate
- ☞ During transport, see that subject remains seated with the head held straight
 - No chin on chest or head held back

Monitor and Evaluate: Medical “need to know”

☞ **If a subject exhibits:**

- ☞ Elevated body temperature
- ☞ Known cocaine or other drug abuser
- ☞ Impaired thinking, disorientation, hallucinations and/or delusions, intense paranoia followed by violent and/or bizarre behavior
- ☞ Great strength and a diminished sensitivity to pain

- ☞ Known psychiatric patient not taking medicine
- ☞ An extended “fight” or active resistance
- ☞ The addition of alcohol to any of the above conditions

☞ **Continue to monitor and call for medical attention**

Medical Concerns

☛ **Seek medical attention**

- **If officer observes any adverse affects or signs of CI, ED and NMS**
- **Little or no relief after reasonable time**
 - 45 – 60 min.
 - Effects may dictate
 - See Dept. Policy
- **If subject requests it**

In-Custody Death Factors and Medical Concerns

- A key to preventing in-custody deaths and to be alerted to medical issues is monitoring and subject who is in custody.
 - Part of monitoring and evaluating the medical well-being of a subject is the recognition of certain medical conditions that could cause sudden death during and after the arrest process.

In-Custody Death Factors and Medical Concerns

- By being aware of these medical conditions an officer is better prepared to recognize the symptoms which will clue the officer to seek immediate medical attention.
 - Some of the symptoms can be recognized prior to the actual arrest, some can be observed during the arrest, while others become noticeable after the subject is handcuffed.

In-Custody Death Factors and Medical Concerns

- Some medical conditions and important factors and signs are:
 - Excited Delirium
 - Cocaine Intoxication
 - Neuroleptic Malignant Syndrome
 - Positional Asphyxia

In-Custody Death Factors and Medical Concerns

- Excited Delirium – If it appears that you are dealing with a subject that displays the following symptoms;
 - Impaired thinking
 - Disorientation
 - Hallucinations and/or delusions
 - Intense paranoia

In-Custody Death Factors and Medical Concerns

- And during the arrest, the subject acts violent and/or bizarre, and exhibits great strength and/or a diminished sensitivity to pain, then this could be known as Excited Delerium.

In-Custody Death Factors and Medical Concerns

- ☛ Cocaine Intoxication – If it appears that you are dealing with a drug or cocaine user, you should look for:
 - The additional use of alcohol by the drug user
 - An increased heart rate
 - Increased body temperature (skin hot to the touch or profuse sweating)
 - Raised body temperature

In-Custody Death Factors and Medical Concerns

- ☛ And during the arrest a struggle ensues, the subject could have the condition of Cocaine Intoxication.
 - Death can occur with a subject who has Cocaine Intoxication during the arrest/struggle or shortly after the struggle has ended.

In-Custody Death Factors and Medical Concerns

- Neuroleptic Malignant Syndrome – If the officer is aware that he/she is dealing with a psychiatric patient (who may or may not be taking anti-psychotic medicine) that displays the following symptoms:

In-Custody Death Factors and Medical Concerns

- Hypothermia (over heating – skin hot to the touch or profuse sweating)
- In and out of consciousness
- Lumpiness of skeletal muscles
- These symptoms may indicate a condition called Neuroleptic Malignant Syndrome.
- Subjects with this condition may be prone to sudden death.

In-Custody Death Factors and Medical Concerns

Positional Asphyxia

- Asphyxia – The extreme decrease in the amount of available oxygen in the body.
 - It can be chemical (Carbon Monoxide Intoxication or mechanical).
- Positional Asphyxia is a term that refers to death due to asphyxia from a position that compromises the airway.

In-Custody Death Factors and Medical Concerns

- ☞ Whenever possible, officers should avoid putting pressure (especially for a prolonged period) against the back of the neck or spine of a proned out subject.
 - As soon as safety allows, subjects who are in the prone position should be sat up or at a minimum placed on their side (in a fetal position) and monitored.

In-Custody Death Factors and Medical Concerns

- Officers must monitor subjects who are seated in the back seat of the cruiser to ensure the heads are not hyper-extended back or forward (where their jaw is resting on the upper chest)

In-Custody Death Factors and Medical Concerns

- Positional Asphyxia awareness should be heightened when dealing with a subject who:
 - Is handcuffed behind their back
 - Has been drinking or is under the influence
 - Is overweight and has a "big belly"
 - Has been initially held down on a hard surface

In-Custody Death Factors and Medical Concerns

- Is being put in a confined space with limited air (i.e. back seat of a cruiser)
- Officers must also be aware that sometimes a subject can have a combination of the factors mentioned.

In-Custody Death Factors and Medical Concerns

- ☞ In summation, officers must know the above signs and factors that could lead to an In-Custody Death.
- ☞ Some of the main points that could increase In-Custody Death potential are:
 - Drug and Alcohol consumption
 - Elevated body temperature

In-Custody Death Factors and Medical Concerns

- Impaired thinking, disorientation, hallucinations and/or delusions, intense paranoia, violent and/or bizarre behavior
- Great strength/diminished sensitivity to pain
- Known psychiatric patient possibly not taking medication
- Struggle during arrest/active resistance

In-Custody Death Factors and Medical Concerns

- By being aware of the situational factors, physical signs, and medical conditions that have led to In-Custody deaths, officers will be better prepared to seek immediate medical attention and take other appropriate actions when necessary.

Four Rules of Medical Assistance

- If the subject appears to be having adverse effects, if the subject shows signs of the previously listed conditions, or if medically, something just does not seem or feel right ... **SEEK MEDICAL ATTENTION PROMPTLY!**

Four Rules of Medical Assistance

- If after being sprayed with Pepper Spray, there appears to be little or no relief from the effects after a reasonable period of time (30 – 60 minutes) ... **SEEK MEDICAL ATTENTION PROMPTLY!**

Four Rules of Medical Assistance

- If, after you use force you believe an injury could have occurred ... **SEEK PROMPT MEDICAL ATTENTION!**

Four Rules of Medical Assistance

- ☛ If the subject requests it ... **SEEK MEDICAL ATTENTION PROMPTLY!**



Photo by Dave Stewart www.firenews.org

Booking Procedures

- ✓ **Cool water**
- ✓ **Remove contact lens**
- ✓ **OC blends may require additional decontamination steps**
 - See manufacturers recommendation



Other OC facts

- ☞ **Strong Hand generally holds the OC canister**
 - **Support hand is up**
- ☞ **Extreme Heat or cold can effect the OC and/or OC canister**



Pepper Spray Review



Granted permission by COP Tactics for use at all MPTC Training classes

OC Review

- ☛ Main ingredient in an OC spray is a **variety of peppers**.
- ☛ The goal when spraying a subject with OC is to **distract** the subject long enough to **control and handcuff** the individual.
- ☛ When an officer perceives the risk as being **VOLATILE**, he or she is justified in **drawing out the OC Canister**.

OC Review

- OC is considered a **Compliance Technique** and can be used against an **Active Resistant Subject**
- OC is classified as an **inflammatory** agent
- Optimum **spraying distance** is **4 – 6 feet**
- Target area is the **face**
- One second** spray or less

OC Review

- The OC can be **less effective** if **too much** OC is sprayed, if the **weather is severe** (heavy rain or wind), if the OC **misses the target** area, etc.
- If other officers are in the area, shout "**spray**" before utilizing OC
- If a spray appears to be **ineffective**, move and **re-evaluate**

OC Review

- When it appears that the OC has **distracted** the subject the officer should **move, wait** a few seconds before approaching, then **immobilize and control** the subject for **handcuffing**
- After spraying and depending on the subjects action, the officer **may have to transition** to the **baton, controlling technique, firearm or other force options**

OC Review

- **Fresh air** is the 1st step in **assisting** the subject through the effects of OC
- **Monitor, communicate** and **control** the subject after handcuffing
- The symptoms of **Cocaine Intoxication** include **sweating profusely**, subject feels **very hot** and has a **very fast pulse rate**. **Seek medical attention**

OC Review

- Once in the **booking area** the subject should be encouraged to **remove contact lenses** and **rinse with water**.
- An officer should **seek medical attention** if the subject appears to be having an **adverse medical problem**, if the subject is having **little or no relief from the effects of the OC** after a reasonable period of time and/or if the **subject requests it**.



Written Exam





Academy Class Spray Video



Proficiency Sheet



HANDCUFF TRAINING



The Six Components of Handcuffing

- ☛ Immobilize
- ☛ Control
- ☛ Handcuff
- ☛ Search
- ☛ Monitor
- ☛ Transport

Six Components of Handcuffing

Immobilize



Immobilize

- Subject is placed in a position where his/her balance and movement is impaired. This may be done in a Standing, Kneeling, or Prone position. Subject is placed off-balance, while the Officer maintains a solid, well-balanced position. The Officer will also assume the most tactical position available in regard to **Relative Positioning**

Relative Positioning

☞ **Inside Position**

☞ Position 1

☞ Position 2

☞ Position 2 ½

☞ **Position 3**

☞ Position 2

☞ Position 1

☞ **Inside Position**

Six Components of Handcuffing

Control



Control

- Once a subject is **Immobilized**, Officer will gain control of the subject's wrist, arm and/or shoulder depending on the level of control needed. The level of control of one of these parts of the body needs to be established prior to handcuffing. This control may be established by use of one of the **Control Techniques**, and depends on the level of resistance encountered.

Six Components of Handcuffing

Handcuff



Handcuff

- ☞ Once one of the levels of control have been established,
 - Officer would then handcuff the subject. The handcuffing techniques used would be determined by the type of **Immobilization and Control** used. Subject should always be handcuffed with his/her hands behind the back unless this is physically or tactically **Not possible**. Following handcuffing of subject, handcuff should be tightened to the appropriate level and then double locked (when tactically possible).

Six Components of Handcuffing

- ✓ Search - Every subject placed in handcuffs needs to be thoroughly searched.
 - This search should be conducted systematically to guarantee that the search was thorough.
 - Officer should know to a reasonable certainty that the subject being transported is free of any weapons, which may be used against the Arresting Officer(s), or any Officer with whom the subject comes in contact.
 - Officers need to be aware of techniques used for searching subjects of the opposite sex whom they have arrested. Officers also need to be aware of safety concerns when conducting **ANY** search.

Six Components of Handcuffing

Search

- **VISIBLE SEARCH**
- **PAT & FRISK**
- **FIELD SEARCH**
- **INVENTORY SEARCH**
- **STRIP SEARCH**

VISIBLE SEARCH

- **Conducted on all subjects with whom the officer comes in contact**
- **Looking for any visible weapons**
- **Looking for any unnatural bulges that may be a weapon**
- **Paying close attention to pockets, waistbands, groin, small of back, and hands**

PAT & FRISK


- Massachusetts General Laws, Ch. 41, S. 9 - Provides that a Police Officer may examine all persons about whom he/she has reason to suspect of unlawful design or may search such person for weapons if he/she reasonable suspects that he/she is in danger of death or bodily harm.
 - **“Unlawful design”** has been defined to mean that a suspect has committed, is committing or is about to commit a crime.

- When an officer decides that a **STOP & FRISK** is necessary and justified, he/she must determine at what level this search will be conducted. Will the search be done while the subject is standing, kneeling, or in a prone position? Will the subject be handcuffed?

- All above levels are acceptable to perform a **PAT & FRISK**. The level is determined by many factors including the threat perceived, past history, third party presence, etc.



FIELD SEARCH

- The Field Search is conducted each time a subject is placed into Police Custody. This search is performed after a subject has been handcuffed. The Field Search must be done to guarantee that the subject is free of any weapons that may be used against anyone that the person comes in contact with during his/her time in custody. This search is also necessary to locate and control any "fruits of the crime" and/or evidence that may be destroyed, tampered with, or lost during the transport of the subject.
- 

- This search is **not** a pat frisk. This is a more intensive search. The key to this search is that it must be performed systematically and thoroughly. The Officer must set up a system within which this search is conducted. Break the body into quarters, search one quarter, and move to the next, until all four quarters have been searched. By conducting this search systematically and completely, then we know the search has been through.

- **Frisk** is a “patting down” or external feeling of clothing to assure that the subject is not carrying a weapon. A subject may be frisked if you have a reasonable suspicion that he/she is carrying a weapon. If you feel object that seems to be a weapon, the officer may reach into the clothing to remove the object. A frisk is not a search. Unless a frisk reveals a weapon-like object, you may go into a person’s clothing , pockets, or handbag **ONLY** if you have **PROBABLE CAUSE**.

FIELD SEARCH CONSIDERATIONS

- Grab and squeeze the clothing when searching
- Start at the lowest portion of each quarter and move up
- Look, then feel, before reaching hand into any pocket or any area that is not visible
- Rubber gloves or thin leather gloves should be worn to protect the officer from Contaminants
- Everyone placed in Police Custody should be searched

INVENTORY SEARCH

- This search is conducted as part of the booking process.
- This search is similar to the Field Search, in that it must be performed systematically and thoroughly.
- It differs in that items that are within the subject's possession are inventoried and documented.
- Each individual department determines the actual process.

INVENTORY SEARCH CONSIDERATIONS

- Perform a pat down frisk before starting search
- Place subject in an off balance position
- Position hands (if subject is uncuffed) in a secure position
- Rubber gloves should be worn when conducting search
- If possible, do not let subject retrieve items from pockets, unless item has been identified before this occurs
- Look, then feel, before reaching hand into pocket or any area that is not visible
- Grab and squeeze the clothing when searching
- Start at the lowest portion of each quadrant and move up
- Continue to communicate with subject while conducting search

STRIP SEARCH

- This is a complete search of a subject, which is conducted to locate items that are not found during any of the other searches. This search should be conducted under the guidelines of each department's rules and regulations or policy.
- When conducting this search, as in any other search, Officer Safety should be followed. All of the basic principles such as distance, position and control must be established and maintained throughout this search.

Body Cavity Search

- Requires a Search Warrant.
- Must be conducted by medical personnel.

Six Components of Handcuffing

- ☛ Monitor - An Officer must be able to identify any injuries sustained by a subject either during an arrest or prior to the contact with the Officer.
 - It is an Officer's responsibility to provide and/or seek medical attention as needed or as requested by a subject.
 - The Officer must also continue to monitor the subject to insure subject's safety and well being.
 - Officers must also be aware of certain circumstances or situations which may place a subject at a higher risk for injury or other medical complications

Six Components of Handcuffing

- ☞ **Transport - The movement of a subject placed in custody is very important.**
 - In order to move a subject from one place to another the Officer should place the subject in one of the appropriate **Prisoner Transport Positions**.
 - This is done to establish and maintain control of a subject throughout the transport.
 - The type of **Prisoner Transport Position** will be determined by the resistance encountered by the Officer.
 - The Officer is responsible for the subject and should maintain control of the subject regard less of the level of resistance encountered.

What are Handcuffs?

- ☞ Temporary restraining devices
- ☞ Placed on the wrist between the hand and the wrist
- ☞ Tightened on the wrist, leaving enough room for one finger tip
- ☞ Placed on the wrist with the hands behind the back
- ☞ Not the end of prisoner control
- ☞ To be controlled during the entire handcuffing technique
- ☞ Taken off a subject in a safe and controlled manner
- ☞ More easily double locked and removed if the handcuff key is in an accessible spot

Handcuff Nomenclature

- ☛ Lock Housing
- ☛ Swivel
- ☛ Chain
- ☛ Hinge
- ☛ Ratchet
- ☛ Key
- ☛ Key Hole
- ☛ Single Strand
- ☛ Double Strand
- ☛ Rivet
- ☛ Teeth
- ☛ Lock
- ☛ Double Lock Mechanism **



Newton Police Department
Defensive Tactics Training

Use of Force

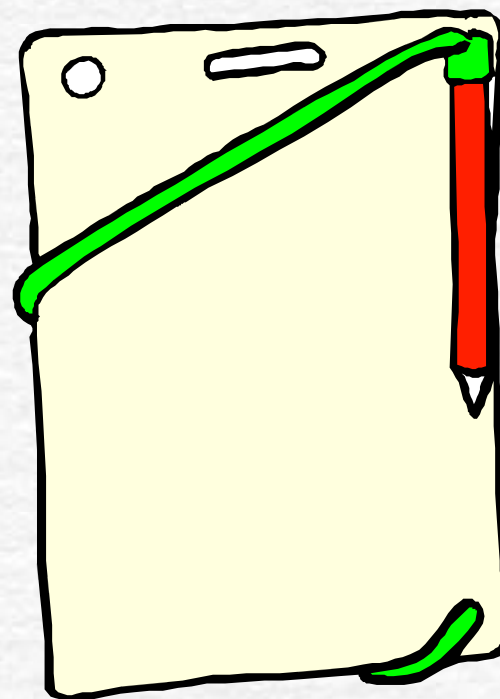
Straight Baton

Course Certification



Class Outline

- Use of Force Review
- Expandable Baton
- Re-Certification
 - Baton Fighting Skills
 - Written Test





USE OF FORCE

Use of Force

Key Definitions

- Force – The use of physical power, chemical agent, or any weapon to overcome, compel, and restrain a person.
- Non-Deadly Force – Force which is not intended, or not likely to result in serious bodily injury or death.

Use of Force

Key Definitions:

- Serious Bodily Injury – A degree of injury that creates substantial risk of death or that is likely to cause permanent disfigurement, loss or extended impairment.
- Deadly Force – Force which is intended to or likely to result in serious bodily injury or death.

Totality Triangle

Perceived Circumstances



**Subject's
Actions**

**Officer's
Response**

Totality Triangle

- It is essential that officers understand the relationship between perceived threat categories, perceived subjects levels of resistance, and reasonable officer response categories.
- The combination of these three use of force elements is called the Totality Triangle.

Totality Triangle

- Police use of force is reviewed from a Reasonable Officer's Perspective (Graham v. Connor).

Graham v. Connor

- Dethorne Graham was a diabetic who asked a friend to drive him to a local store to purchase orange juice to counter-act the onset of an insulin reaction. Upon entering the store and seeing the number of people ahead of him, Graham hurried out and asked him to drive him to another friend's house.

Graham v. Connor

- Officer Connor, a local police officer, became suspicious after seeing Graham hastily enter and leave the store. The officer followed the car and made an investigative stop, ordering the pair to wait until he found out what happened in the store.

Graham v. Connor

- Graham got out of the car and round around it twice where he sat down on the curb and passed out briefly. Graham's friend told the officer that Graham was simply suffering from a "sugar reaction."
- Back-up officers arrived on scene and one of the officers rolled Graham over on the sidewalk and handcuffed his hands tightly behind his back, ignoring his friends pleas to get him some sugar.

Graham v. Connor

- Another officer stated, "I have seen a lot of people with sugar diabetes, but they never acted like this. Ain't nothing wrong with the XXX but drunk. Lock the XXX up."

Graham v. Connor

- Several officers then lifted Graham up from behind, carrying him over to the friend's car and placing him face down on the hood.
- Four officers then grabbed Graham and threw him head first into the police car.
- A friend of Graham's brought some orange juice to the car, but officers refused to let him have any of it.

Graham v. Connor

- Finally, Officer Connor received a report that Graham had done nothing wrong at the convenience store and the officers drove him home and released him.

Graham v. Connor

- Injuries sustained by Graham during the encounter included a broken foot, cuts on his wrists, a bruised forehead, and an injured shoulder. Graham also claimed to have developed a loud ringing in his right ear.

Graham v. Connor

- Graham filed a federal civil rights action pursuant to 42 U.S.C. §1983 alleging the use of excessive force and making the investigatory stop in violation of the Fourteenth Amendment.

Graham v. Connor

- During the course of the federal trial the defendants moved for a directed verdict at the close of the plaintiff's case in chief.
 - In ruling on the motion, the District Court determined the amount of force used by the officers was appropriate under the circumstances and granted the defendant's Motion for a Directed Verdict.

Graham v. Connor

- The Fourth Circuit affirmed the judgement, ruling that the District Court had applied the correct legal standard in assessing the excessive force claim.

Graham v. Connor

- Following Graham all claims of excessive force in the course of an arrest, investigatory stop or other seizure of a free citizen should be analyzed under the Fourth Amendment "Reasonableness" Standard.

Graham v. Connor

- ☞ **The Objective Reasonableness Test:**
 - The question is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Graham v. Connor

- Factors considered when looking at reasonableness:
 - Careful attention to the facts and circumstances of the particular case.
 - Severity of the crime at issue.
 - Whether the suspect poses an immediate threat to the safety of officers or others;
and

Graham v. Connor

- Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- Reasonableness includes an allowance for time available to make decisions inasmuch as officers are often forced to make split-second judgements, in circumstances that are tense, uncertain, and rapidly evolving.

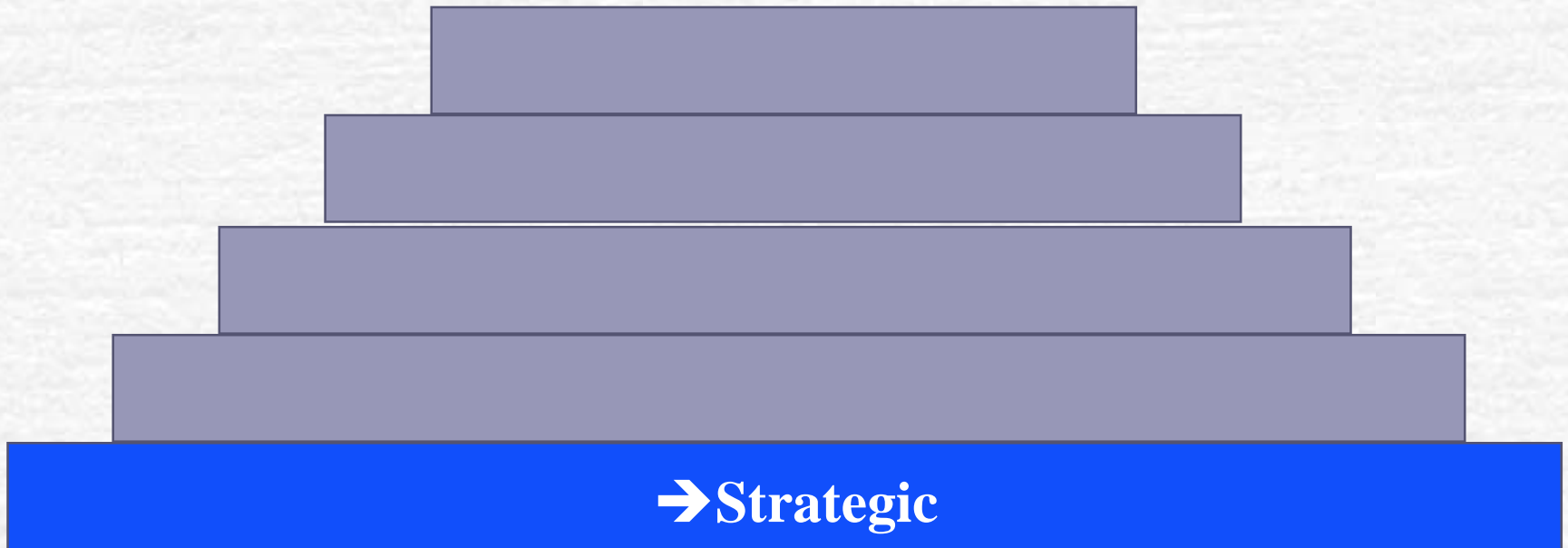
Graham v. Connor

- Reasonableness is judged from the perspective of a reasonable officer on the scene without the 20/20 hindsight.

Risk Assessment



Risk Assessment



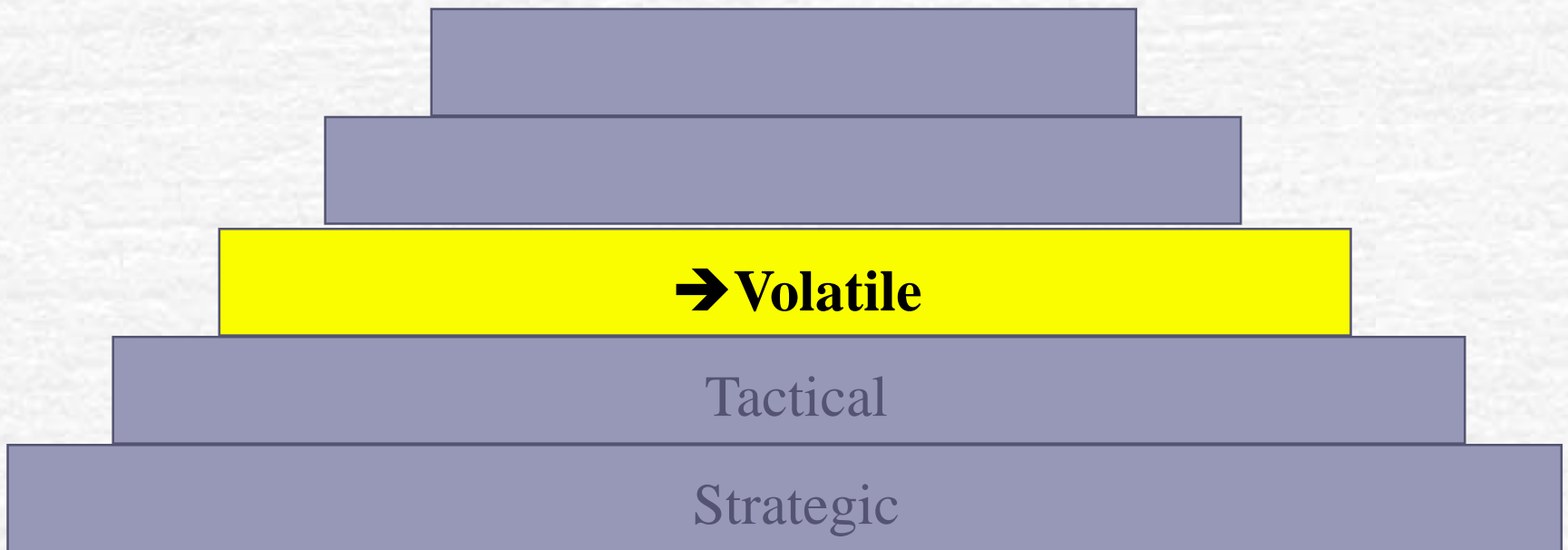
**Baseline perception,
occupationally accepted risks.**

Risk Assessment



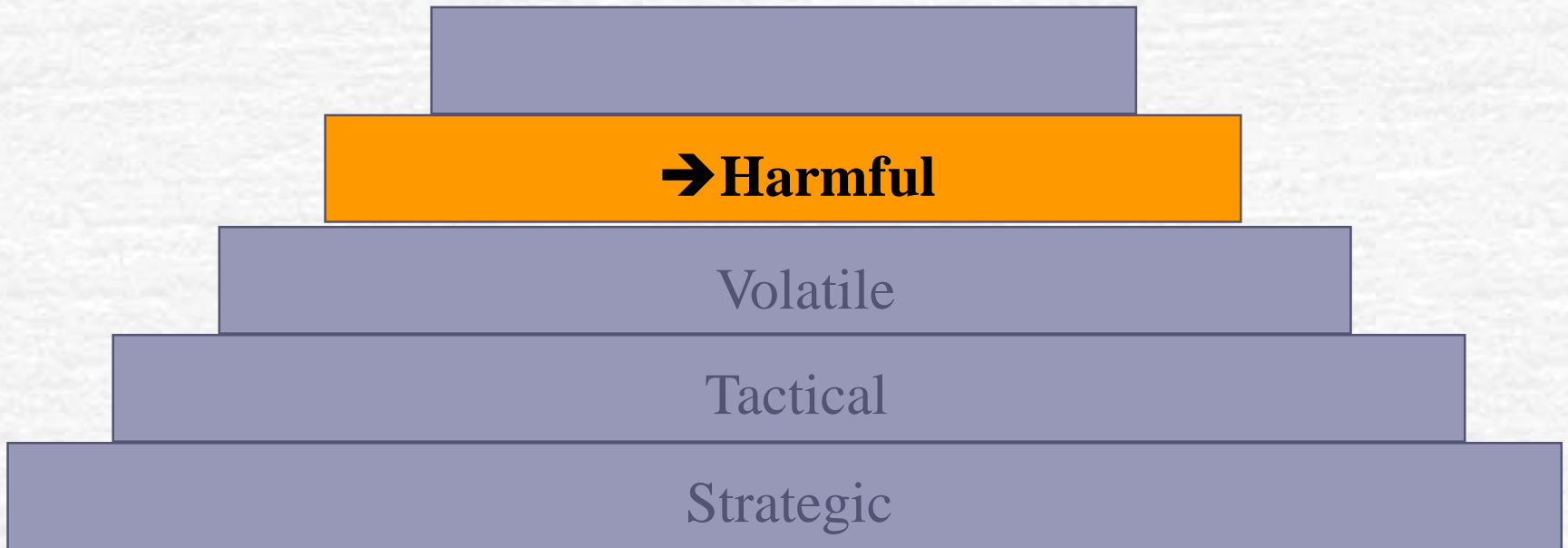
**Perceptual increase in risk assessment,
safety strategies are deployed.**

Risk Assessment



Signal of activated alertness, threat potential is recognized by the officer.

Risk Assessment



**Accelerated assessment of danger,
direct focus on defense.**

Risk Assessment



Perceived threat of lethality, initiating a maximized system of defense.

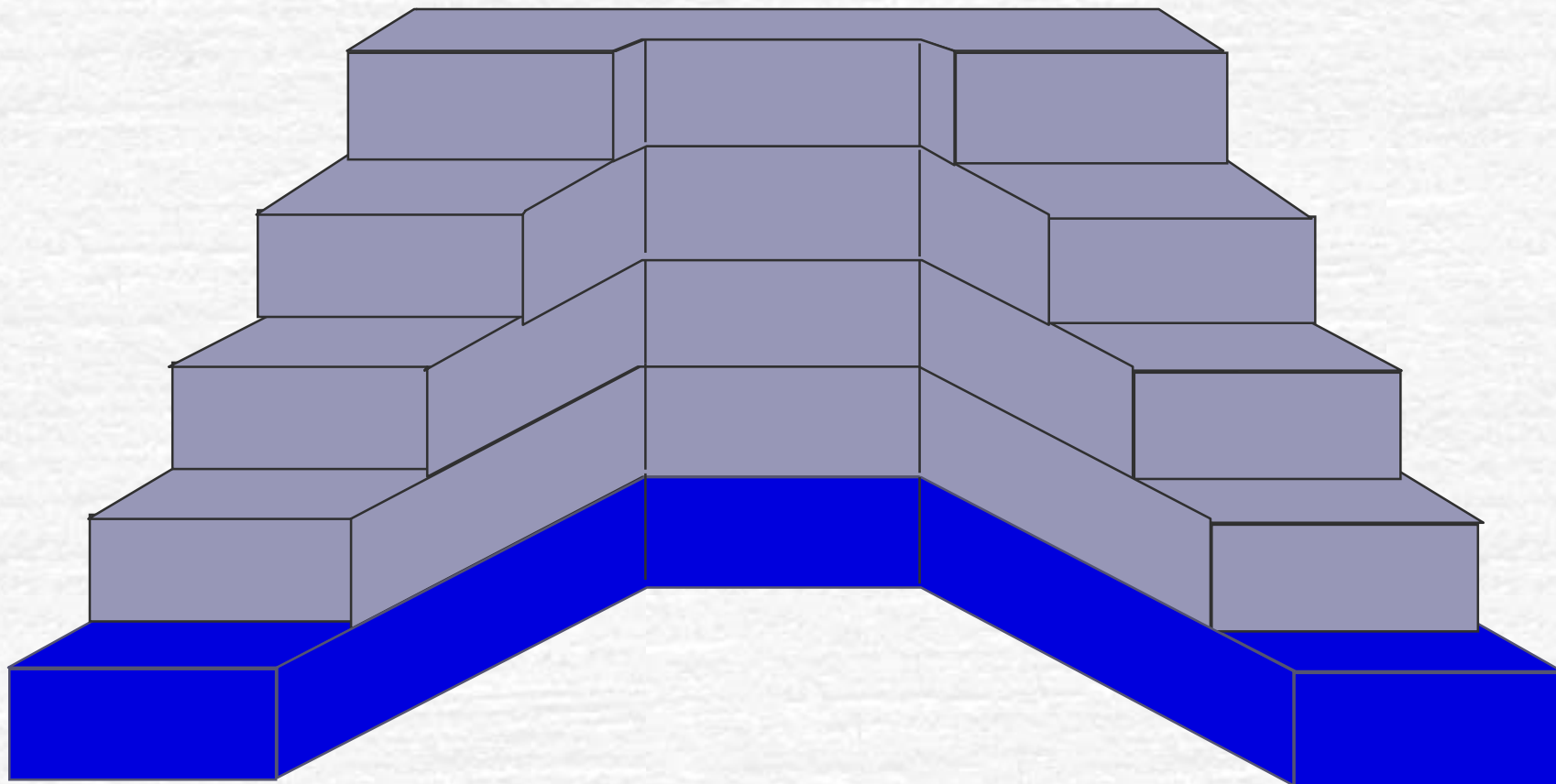
**Subject Action(s)
Response(s)**

Officers



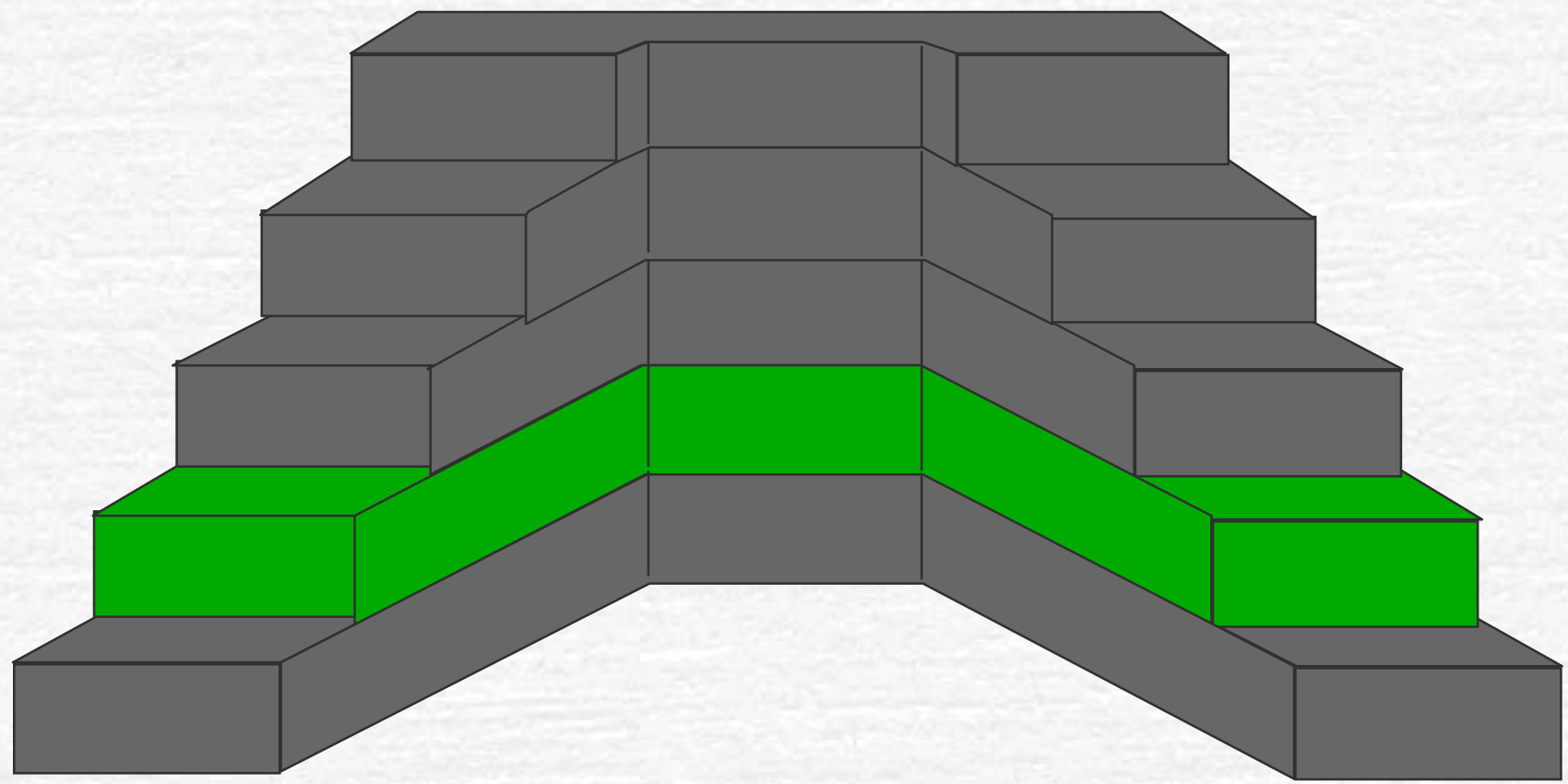
Compliant

Cooperative Controls



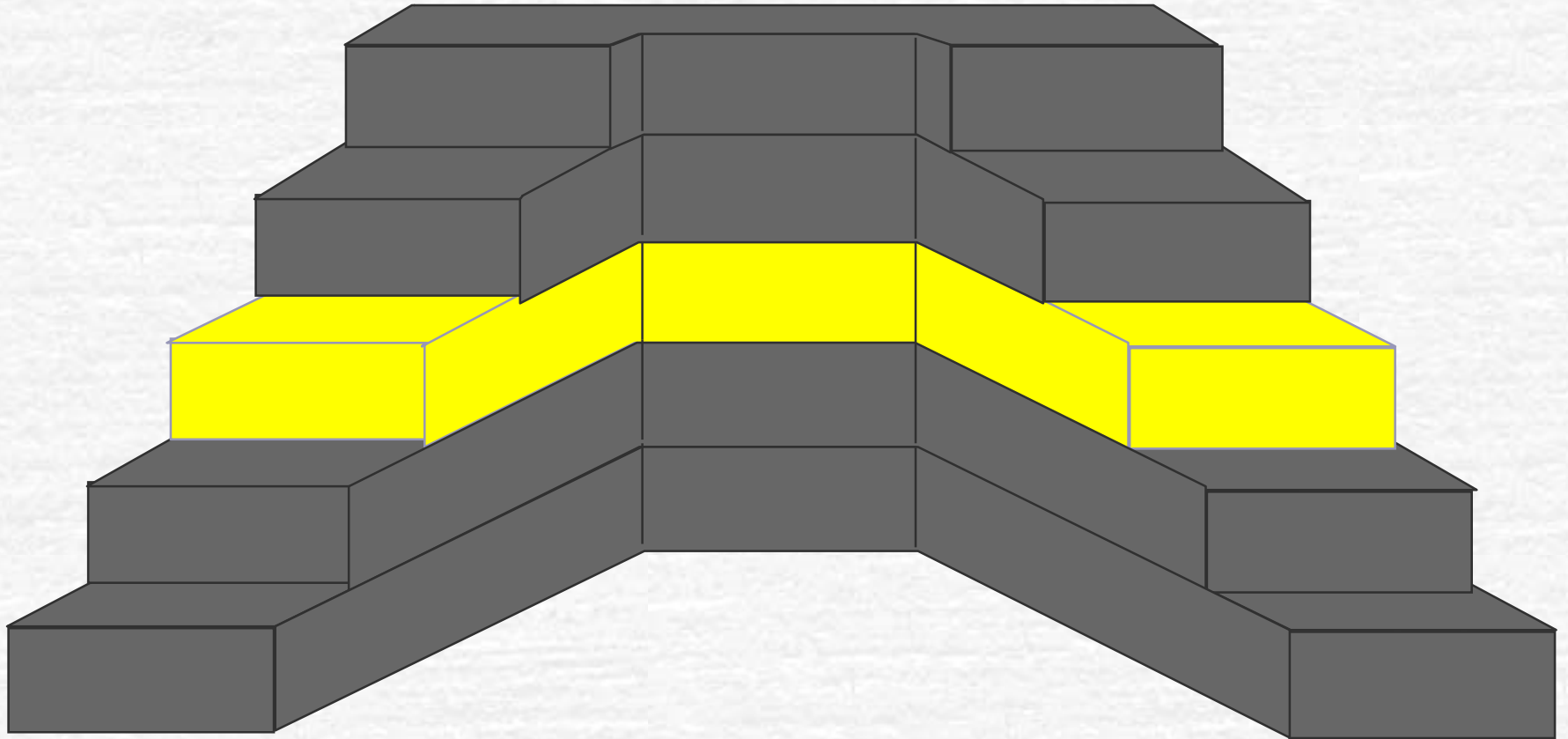
Resistant (Passive)

Contact Controls



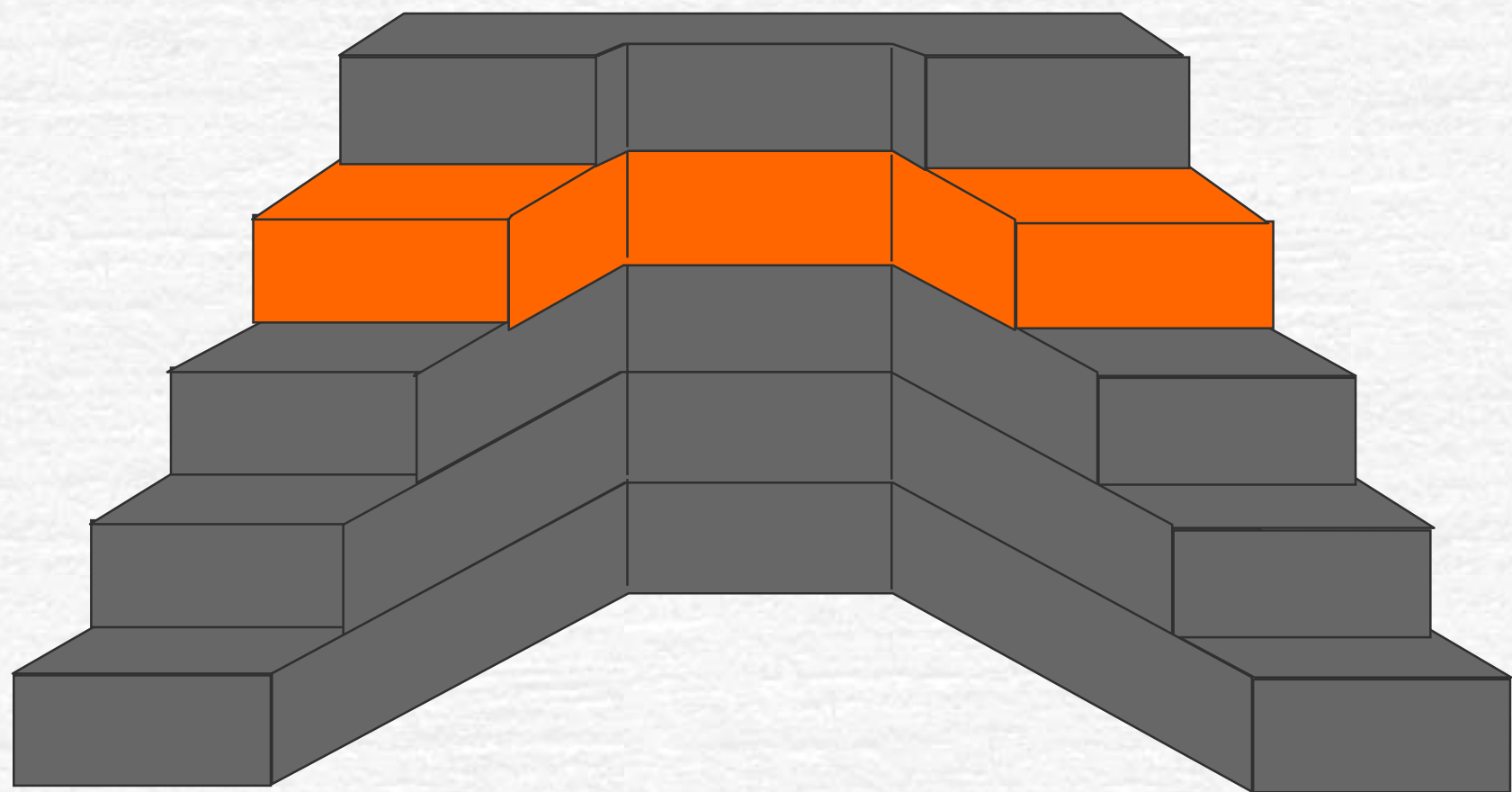
Resistant (Active)

Compliance Techniques



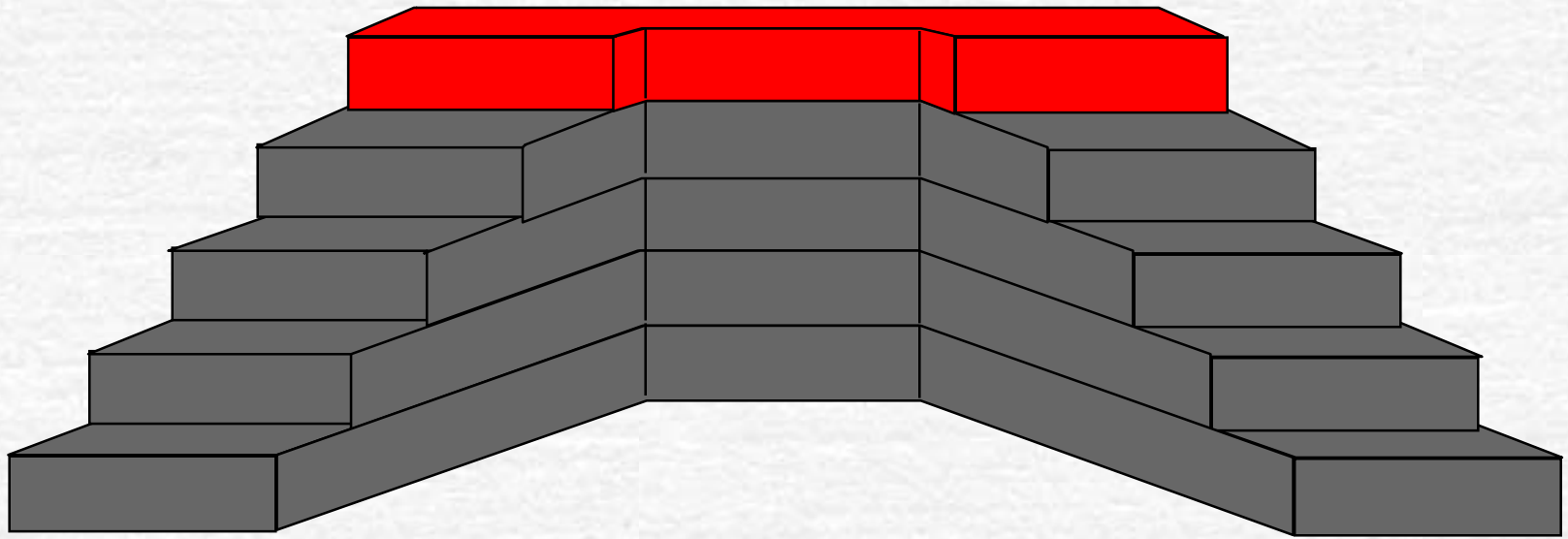
Assaultive (Bodily Harm)

Defensive Tactics



Assaultive (Serious Bodily Harm/Death)

Deadly Force



Risk Recognition

- Recognize and react to increases in RISK.
- Don't wait!
- Be decisive.



Control Superiority Principle[©]



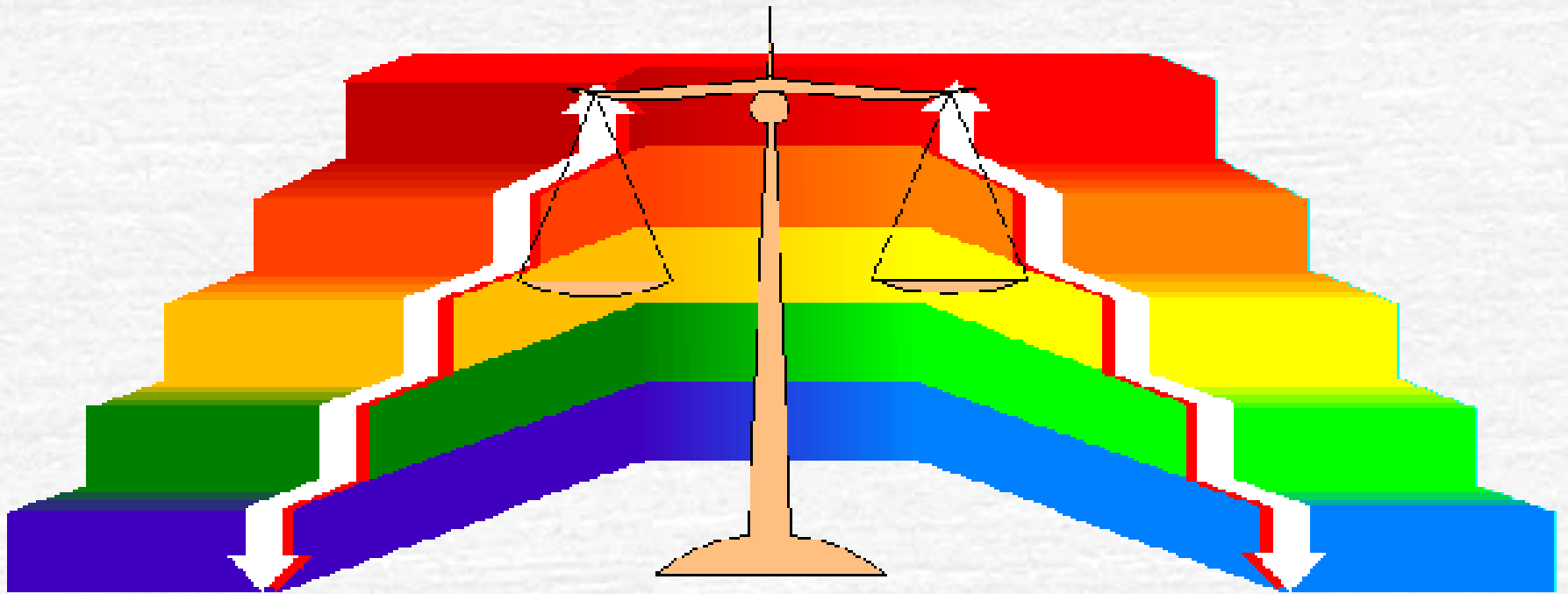
Control Superiority Principle[©]

This visualization of color intensity is used to enhance the understanding and maintain the principle that the officer can and must maintain **constant, controlled superiority** over the subject's degree of **non-compliance** at a balanced level of objectively reasonable force utilization.

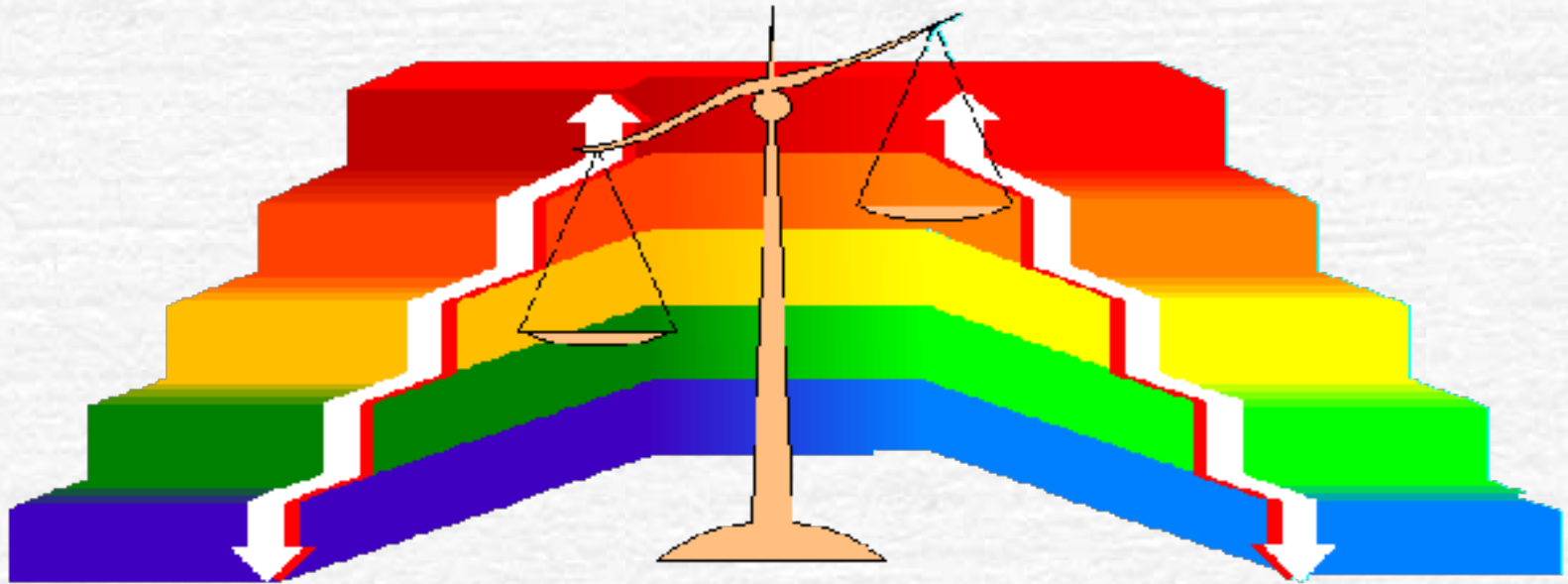
Control Superiority Principle[©]

Establishing a **recognized officer advantage**,
while creating a **recognized subject disadvantage**.

Use of Force Model

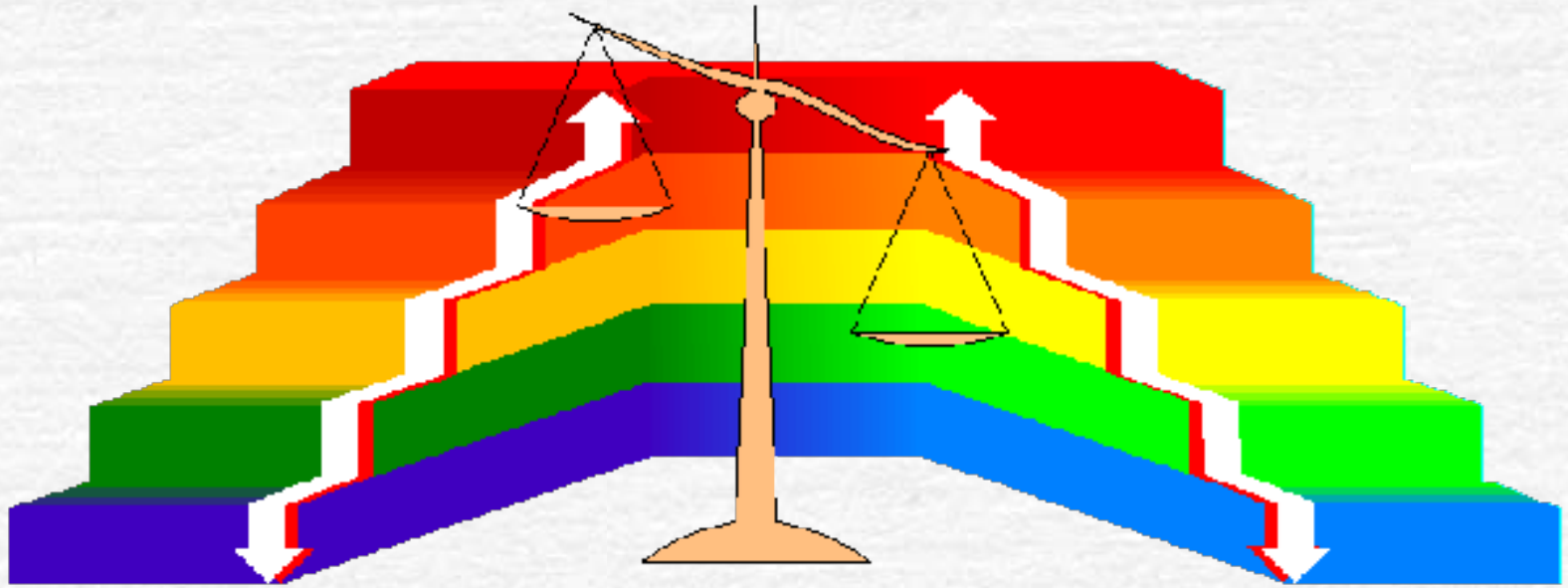


When there is an unbalanced response where the officers response is **HIGHER**



than the risk assessment and the subject's actions, the force response would be considered **EXCESSIVE.**

When there is an unbalanced response where the officers response is **LOWER**



than the risk assessment and the subject's actions, the force response would be considered **UNSAFE**.

Use of Force Revisited

Key Factors

- Distance

- More use of force options and time to think and breath.

- Time

- The ability to communicate (slow things down), problem solve, and get help if needed.

- Problem Solving

- Considering various tactics and plans

Use of Force Revisited

Positioning and Tactics

- Do not create a force situation by putting yourself in a tactical position where force is more likely to be needed.
 - In Dallas, there was a bipolar man whose mother had called saying he needed to the hospital. The man was standing in a doorway behind his mother with a screwdriver in his right hand. His mother then walks out within 20 seconds of the police arriving, the person is shot by an officer on the porch, who was just a few feet away.

Use of Force Revisited

- The Dallas Police Chief advised that after watching a video frame by frame, that the video showed the subject does transition to an overhand grip with the screwdriver while the mother is touching the officers arm, and there is no place for the officer to go. Every officer in Dallas now gets a 40 hour CIT class, and there was a policy change to consider those calls as barricaded subjects and to utilize negotiators to get the person to come out peacefully.

Use of Force Revisited

- ☞ There should be an emphasis on proper tactics:
 - If not for bad tactics, you would not have been there.
 - Do not approach a dangerous suspect while seated in a cruiser – e.g. in Cleveland an officer pulled up to report a man in the park with a firearm and fatal shots being fired within 2 seconds from arrival

Use of Force Revisited

Remember the 4 C's:

- Cover
- Concealment
- Containment – Containment is not just arrest and can change suddenly. Officers must be fluid and be prepared for sudden changes in the situation or the subject.
- Communications

Use of Force Revisited

☞ Can versus Should

- Just because we can use force does not mean we should use force.

☞ Use of force considerations:

- Mental State
- Demeanor
- Demonstrated Aggression or lack of it
- Body Language
- Weapons
- Area

Use of Force Revisited

- The April 16, 2015, video of a suspect who had shot a family member and was stopped by a police officer was shown. The officer served in the Marine Corps in Iraq and was told by the dispatcher it would be a “suicide by cop,” which the officer said changed the dynamic. The suspect initially approached the officer with empty hands.

Use of Force Revisited

- The suspect then dropped his keys and stopped to pick them up. The officer took both of these as a sign that the threat was minimal. As such, he said he wanted to make sure that he got a positive identification of the threat before using any deadly force.

Use of Force Revisited

- He acknowledged, yes he could have used deadly force when the suspects hands went into his pockets, but just because he could does not mean he should.
- Is it okay to withdraw, regroup, and tactically reposition based on the situation and officer safety.

Use of Force Revisited

- ☞ We need a shift in paradigm.
 - We need to shift from thinking that we have to handle every call and to take charge immediately upon arrival.
 - Consider the use of other resources
 - Use discretionary time
 - Engage the person and the community in discussions and resolutions.

Use of Force Revisited

- What is the difference between Law enforcement and policing?

Use of Force Revisited

- Some of the issues being attributed to police were not created by police and are beyond police control, but at the same time, the police have a role in helping communities across a broader spectrum now more than ever.
- Give the people a voice: let them talk, treat them with respect, and show compassion.

Use of Force Revisited

- We are not only police officers, but we are also citizens and as such, should take every opportunity to “contain and negotiate.”

Use of Force Revisited

- Personal Weapon Target Areas and Vulnerable Areas – There are a number of vulnerable areas on the human body.
 - It is important for the officer to recognize these areas for two reasons:
 - The officer needs to know these points on his/her body that are most vulnerable to an attack, so as to better protect themselves.
 - Officers must also know these vulnerable areas when he/she is utilizing a personal weapon impact technique.

Use of Force Revisited

- A strike delivered to many of these areas may cause pain or injury.
 - There are other areas on the human body, that when struck, may cause significant injury, including shock, unconsciousness, serious bodily injury and/or death.
 - Caution must be used when striking these vulnerable areas, for even moderate blows to some areas of the body may cause serious injury and/or death.

Personal Weapon Target Areas and Vulnerable Areas

☛ Temple: A very sensitive area. A blow to this area may cause unconsciousness or death.

- Only should be targeted against a Assaultive Serious Bodily Harm or Death Subject.

☛ Ears: A blow to the ear may cause hearing loss and other injuries that might be considered more serious.

- A palm heel strike may be appropriate vs. an Assaultive Bodily Harm Subject.
- A punch or elbow strike to this area is likely to cause more serious injuries.
 - A knee or kick would be reasonable vs. an Assaultive Serious Bodily Harm or Death subject.

Personal Weapon Target Areas and Vulnerable Areas

- ☛ **Eyes: A blow to the eyes may cause temporary loss of sight or other eyes damage.**
 - A palm heel strike may be appropriate vs. an Assaultive Bodily Harm Subject.
 - A punch or elbow strike to this area is likely to cause more serious injuries.
 - A knee strike or kick would be reasonable vs. an Assaultive Serious Bodily Harm or Death Subject.

Personal Weapon Target Areas and Vulnerable Areas

- **Bridge of the Nose: A blow to this area may cause bleeding, swelling and cause the eyes to tear.**
 - A palm heel strike or punch may be appropriate vs. an Assaultive Bodily Harm Subject.
 - An elbow strike to this area is likely to cause more serious injuries.
 - Knee strikes or a kick would be reasonable vs. an Assaultive Serious Bodily Harm or Death Subject.

Personal Weapon Target Areas and Vulnerable Areas

- ☛ **Upper Lip: The spot directly under the nose.**
 - Injuries could include bleeding, loss of teeth and other injuries to the skull.
 - A palm heel strike or punch may be appropriate vs. an Assaultive Bodily Harm Subject.
 - An elbow strike is likely to cause a more serious injury.
 - A knee strike or kick would be reasonable vs. an Assaultive Serious Bodily Harm or Death Subject.

Personal Weapon Target Areas and Vulnerable Areas

- ☛ **Jaw: A blow to this area may break the jaw or cheek bone.**
 - A palm heel strike or punch may be appropriate vs. an Assaultive Serious Bodily Harm subject.
 - An elbow strike to this area is likely to cause more serious injuries.
 - A knee strike or kick would be reasonable vs. An Assaultive Serious Bodily Harm or Death subject.

Personal Weapon Target Areas and Vulnerable Areas

- ☛ **Throat: A very vulnerable area.**
 - A blow to the throat may shatter the windpipe, causing serious injury or death.
 - Should only be targeted vs. an Assaultive Serious Bodily Harm or Death Subject.
- ☛ **Collarbone: Generally a non-lethal area.**
 - Forearm, fist, or elbow strike would be reasonable vs. an Assaultive Bodily Harm Subject.

Personal Weapon Target Areas and Vulnerable Areas

- ☛ **Solar Plexus: Shock may result from a blow to this area.**
 - A palm heel strike may be appropriate vs. an Assaultive Bodily Harm Subject.
 - Other strikes to this area are likely to cause more serious injuries.
 - A knee strike or kick would be reasonable vs. Assaultive Serious Bodily Harm or Death Subject.34e

Deadly Force

- ☛ The use of deadly force is a realistic option that any Law Enforcement officer may have to resort to based on the totality of the situation.
 - The tactical application surrounding the use of firearms must always be considered.
 - The use of deadly force must always be reasonable (Graham vs. Connor)

Deadly Force

- Factors that the court considers when determining if the force is reasonable or not:
 - The severity of the crime
 - Does the subject pose an immediate threat?
 - Is the subject actively resisting or attempting to flee.

Deadly Force

**SUBJECTS ACTIONS +
THREAT PERCEPTION
= REASONABLE
OFFICERS RESPONSE**

Deadly Force

- Officers must be able to escalate and de-escalate their force options based on the circumstances occurring.
- Some factors to consider when using force include but are not limited to:
 - Age
 - Sex
 - Physical size
 - Number of adversaries
 - Weapons
 - Fighting Skill
 - Fatigue
 - Prior knowledge

Deadly Force

- An officers appropriate response is based on what force options they have available to use at that very moment.
- Command Presence and good communication skills are key elements in attempting to resolve a situation without using force, however when the situation has escalated to a point where the threat to do physical harm is imminent then officers must act accordingly.

Deadly Force

- Force Options – Assaultive Situation
 - Empty hand Techniques
 - Takedown Techniques
 - Baton
 - Chemical Agents – Oleoresin Capsicum
 - Firearms
 - Electronic Devices – Taser
 - Specialty Impact Munitions – Bean bags
 - K-9

Deadly Force

- ☛ **Justification for the Use of Deadly Force**
 - Deadly force may be used to protect yourself or other community members from imminent death or serious bodily injury and when doing so will not endanger innocent bystanders.
 - Deadly force may be used as a last resort when all lesser means have failed or not been effective in stopping the threat.

Deadly Force

Elements of a Deadly Force Encounter

- Ability – The subject has or appears to have the ability to cause death or serious bodily harm.
 - Physical capacity or instrumentality
 - Gun, knife, bat, etc.
- Opportunity – The subject is able to take advantage of their ability to cause death or serious bodily injury.

Deadly Force

Elements of a Deadly Force Encounter

- Life in Imminent Jeopardy
 - Threat of death or serious bodily injury is imminent.
- Reasonable Alternative
 - No other reasonable alternative exists for addressing the situation.

Deadly Force

☛ Tennessee v. Garner

- The United States Supreme Court held that law enforcement officers may use deadly force against a fleeing suspect if the officer has probable cause to believe that the subject poses a significant threat of death or serious physical injury to the officers or others.

Deadly Force

- ☛ Case Brief – Tennessee v. Garner, 471 U.S. (1985)
 - On October 3, 1974, two officers responded to a burglary call. A subject is witnessed running across a yard by Officer Elton Hymon. The officer reasonably believed that Edward Garner (suspect) was not armed. Believing Garner would certainly flee if he made it over the fence in the yard, Officer Hymon shot him.

Deadly Force

- Case Brief – Tennessee v. Garner, 471 U.S. (1985) - continued
 - Garner died as a result. Ten dollars and a home owners purse were found on Garner.
 - Garners father sued the City of Memphis, the Memphis Police Department, and Officer Hymon for violation of his sons constitutional rights.

Deadly Force

- Case Brief – Tennessee v. Garner, 471 U.S. (1985) – continued
 - The court found the officer's actions were constitutional because he acted according to Tennessee statute which partly stated, "if, after notice of the intention to arrest the defendant, they either flee or forcibly resist, the officer may use all the necessary means to effect the arrest."

Deadly Force

- ☛ Case Brief – Tennessee v. Garner, 471 U.S. (1985) – continued
 - The United States Supreme Court found this to be unreasonable because the Tennessee statute failed to properly limit the use of deadly force by reference to the seriousness of the felony.

Deadly Force

- ☛ Case Brief – Tennessee v. Garner, 471 U.S. (1985) – continued
 - The Supreme Court ruled that the use of deadly force to prevent escape of “all” felony suspects, whatever the circumstances, is constitutionally unreasonable.
 - It is not better that all felony suspects die than they escape.

Deadly Force

- ☛ Case Brief – Tennessee v. Garner, 471 U.S. (1985) – continued
 - Summary
 - **If the subject is unarmed and non-threatening the use of deadly force is not a reasonable option.**

Deadly Force

- ☛ In terms of legal consequences of improperly using deadly force, the claims of excessive force is most common.
 - *The level of force used was not proportionate to the perceived threat.*

Deadly Force

- Under Federal Code 42, USC, 1983 and Massachusetts General Law chapter 265 §37 a person that has been deprived of any rights, privileges, or immunities has the right to be protected.
- When a law enforcement officer is charged with violating someones rights the plaintiff must prove that the officer acting under the color of law deprived them of their constitutional rights.

Deadly Force

- ☛ **Know what your legal parameters are:**
 - Officers must decide whether force is needed in tense, uncertain and rapidly evolving situations.
 - If too much force is applied when not needed then claims of excessive force can be brought.
 - In situations where force was needed to stop the threat but officers fail to act someone including themselves can be severely injured or killed.

www.patrolrifle.com

Deadly Force

- ☞ **When is the offender stopped?**
 - **When the subject is effectively prevented from using or threatening the use of deadly force.**



Response to a Use of Force Incident

- ☞ Protect and Secure the Scene
 - Officer Safety first and foremost
- ☞ Provide Medical Attention
 - First Responder
- ☞ Render assistance to the initiating officers
- ☞ Notify Dispatch and a Supervisor
- ☞ Document the Incident
 - Use of Force Report

Mental and Physical Preparation

☞ Mind Set

- A pre-state of mind that is produced when we mentally condition ourselves for the realities of an encounter.

Tactical Awareness

- Unaware – One is not alert to their immediate surroundings
- Aware – Conscious of ones surroundings
- Alert – Potential threat has been identified
- Action – Response to a situation
 - Medical, Flight, Armed Encounter
- Black – Chaotic Situation or Deadly Force Encounter

Deadly Force Encounter

- National statistics tell us that most deadly encounters associated with law enforcement occur:
 - During low-light hours
 - Within 3 yard or approximately 10 feet
 - Three rounds fired
 - Takes three seconds or less

Deadly Force Encounter

- ☛ During a deadly force encounter you should concentrate upon the situation that is in front of you.
 - Don't worry about the what if's.
- ☛ **Your objective is to control and stop the threat!**

Deadly Force Encounter

Human Response

Physiological

- Heart Rate Increase (Tachycardia)
- Adrenalin will rush
- Loss of fine motor skills

Perceptual

- Tunnel Vision
- Time Distorted
- Hearing Distorted

Deadly Force Encounter Human Response

Once the encounter is over, an officer may experience feelings ranging from

- Pride
- Relief
- Shaken
- Remorseful
- Anxious

This is all Normal!!!

Deadly Force Encounter Human Response

- Immediate Physical Effects During/After a Deadly Encounter
 - Trauma
 - Breathing
 - Circulation
- Long Range Psychological Effects After a Deadly Force Encounter
 - Hyper Alertness
 - Concentration
 - Emotional Distancing
- **Stress Units are available to help in coping with these psychological effects**

Deadly Force Encounter Human Response

Newton Police Department

- Sgt. H. Brian Henderson

- 781-910-3427



Boston Police Department

- 251 River Street
Mattapan, MA 02126

- Monday-Friday 8am-5pm
(617) 343-5175



- At all other times call
(617) 594-9091 to speak with an on-call Peer
Counselor

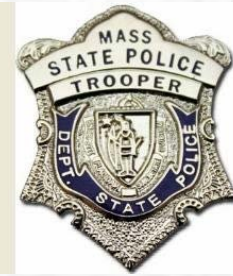
Deadly Force Encounter Human Response

Massachusetts State Police

- Stress Unit

- Employee Assistance Program

- 781-821-5496



Deadly Force Encounter

Human Response

☞ In a high stress situation people normally:

- Freeze

- Submit

- Posture

- Fight

- **What happens if we do?**

- ***We can never give up no matter what happens!***

Deadly Force

- ☞ Once the threat is effectively stopped:
 - Scan for additional threats
 - Move to cover if not already there
 - Issue verbal commands
 - Keep subjects hands visible
 - Call for assistance
 - Render medical aid if safe to do so
 - First Responders

Cover vs. Concealment

☞ **Cover – Any object that will protect you from gunfire.**

- Usually cover provides some type of concealment as well.

- Example

- Engine Block
- Rear axle of a motor vehicle



Cover vs. Concealment

Concealment – Any object that prevents you from being seen or hides your position.

Concealment will not protect you from gunfire.

Examples:

- Bushes
- Trees
- Fences
- Doors



FBI Study on Violent Encounters

- The following information is based on a 5 year study conducted by members of the FBI Behavioral Science Unit (1992-1997)
 - Anthony Pinizotto – Clinical Forensic Psychologist
 - Ed Davis – Criminal Investigative Division (Retired Lieutenant)
 - Charles Miller – Coordinator of Officer Safety Research (Retired Captain)

FBI Study on Violent Encounters

Background/Childhood

- Officers came from a warm, stable, environment.
 - Most experienced little, if any, exposure to violence in their childhoods.
- Subjects came from hostile family environments and were introduced to violence at an early age. Abuse, drugs and alcohol were an everyday occurrence.

FBI Study on Violent Encounters

☛ Familiarity with weapons

- Officers averaged just over 14.5 hours of sidearm practice/training annually and 2.5 hours of qualifications per year.
- Subjects averaged 23 practice sessions per year, usually in informal settings, such as backyards, backwoods, etc.
 - The average age that subjects began carrying a weapon was 17 years old.
 - **Gun laws did not hinder their ability to obtain weapons!!**

FBI Study on Violent Encounters

Combat Experience

- Only 8 of the 50 officers involved in shootings had been involved in a previous shooting incident.
- 10 of the 43 subjects had been involved in 5 or more criminal firefights prior to their encounter with the police officers.
 - 40% overall had been involved in gun fights in their lifetime.
 - Suspects were mentally/physically prepared to deal with the bodies physiological response.

FBI Study on Violent Encounters

Shooting Style

- Twenty six of the offenders (60%) were instinctive shooters.
 - They pointed the firearm without consciously aligning their sights.
 - They shoot for effect.
 - *"Were not working with no marksmanship, we just putting it in your direction, you know, it don't matter.. As long as it's going to hit you.. Its up at your head or chest, down at your legs, whatever... Once I squeeze and you fall, then... if I want to execute you, then I could go from there."*

FBI Study on Violent Encounters

☛ Mindset

- 36 of the 50 officers were involved in situations where they were justified in using deadly force but chose not to shoot.
- The suspects displayed no moral or ethical restraints in using firearms.
 - They survived by developing the shoot – first mentality.

Use of Force

- ☛ The purpose of the use of force is to stop.
 - The question will be whether the force that was used is consistent with the amount of force that a reasonable police officer would think necessary to have the suspect stop.
 - The stopping purpose is to have the suspect:
 - Stop his/her perceived harm to you
 - Stop his/her perceived harm to others
 - Stop his/her resistance to your efforts to control

Use of Force

- An officers main source of guidance for action they perform originates from their agency rules, regulations, policies and procedures.
 - *It is the responsibility of all officers to thoroughly know and understand their own agency's rules, regulations, policies and procedures that govern their action.*
 - *Officers must also thoroughly know and understand that particular laws and regulations for the jurisdiction they work in.*

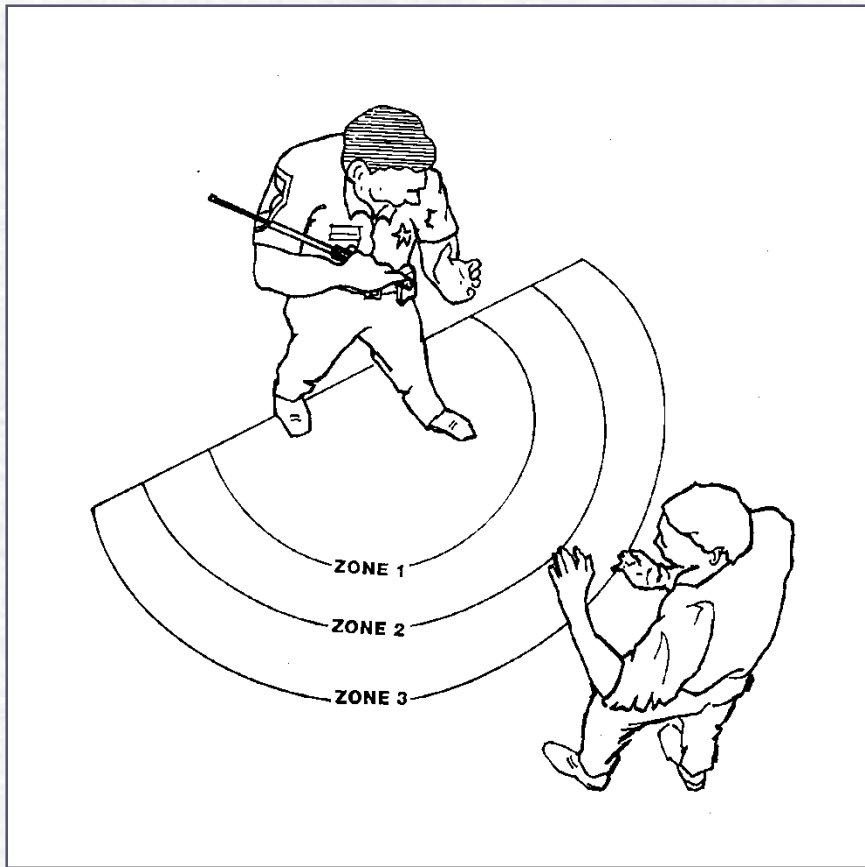
Use of Force

- ☛ Conflicts with the laws , rules, regulations, policies and procedures, and training must be addressed with your agency's training department immediately.
- ☛ An officer's scope of authority varies from agency to agency.
 - **Authority varies between sworn officers and security personnel.**
 - **Officers must know what their authority is before they need to use it.**

Baton Certification and Baton Fighting Skills

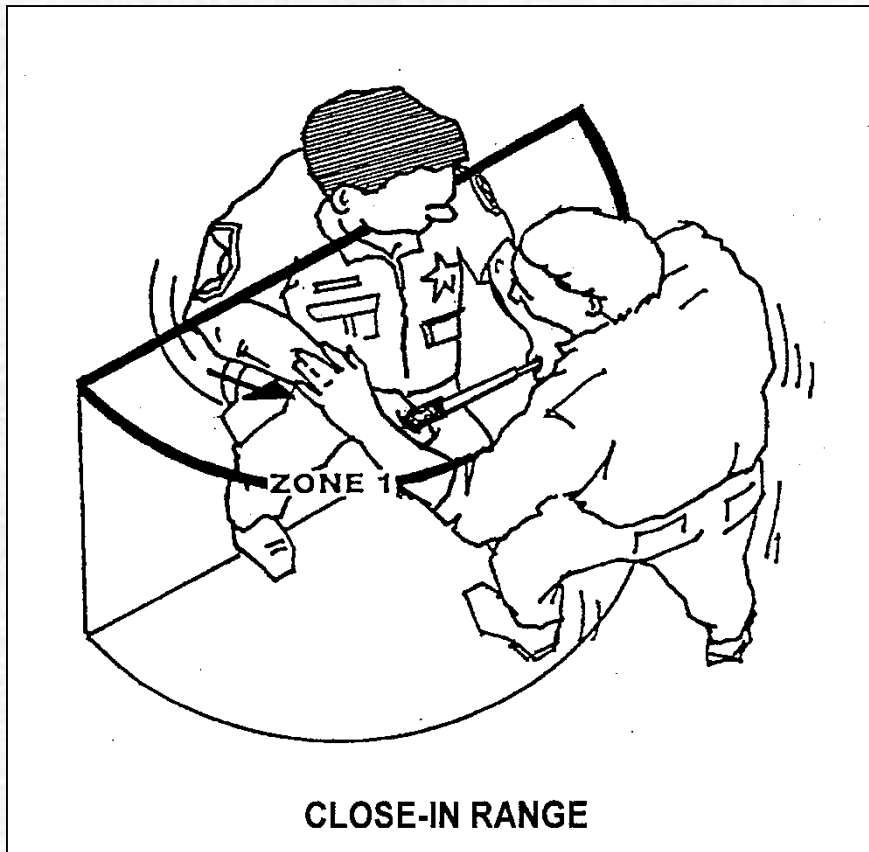


Baton Fighting Skills



- In the past, only trained to Zone 3.
- We knew this was ineffective.
- OK in wide open spaces.
- No good in close spaces.
 - Houses, hallways, etc.

Baton Fighting Skills



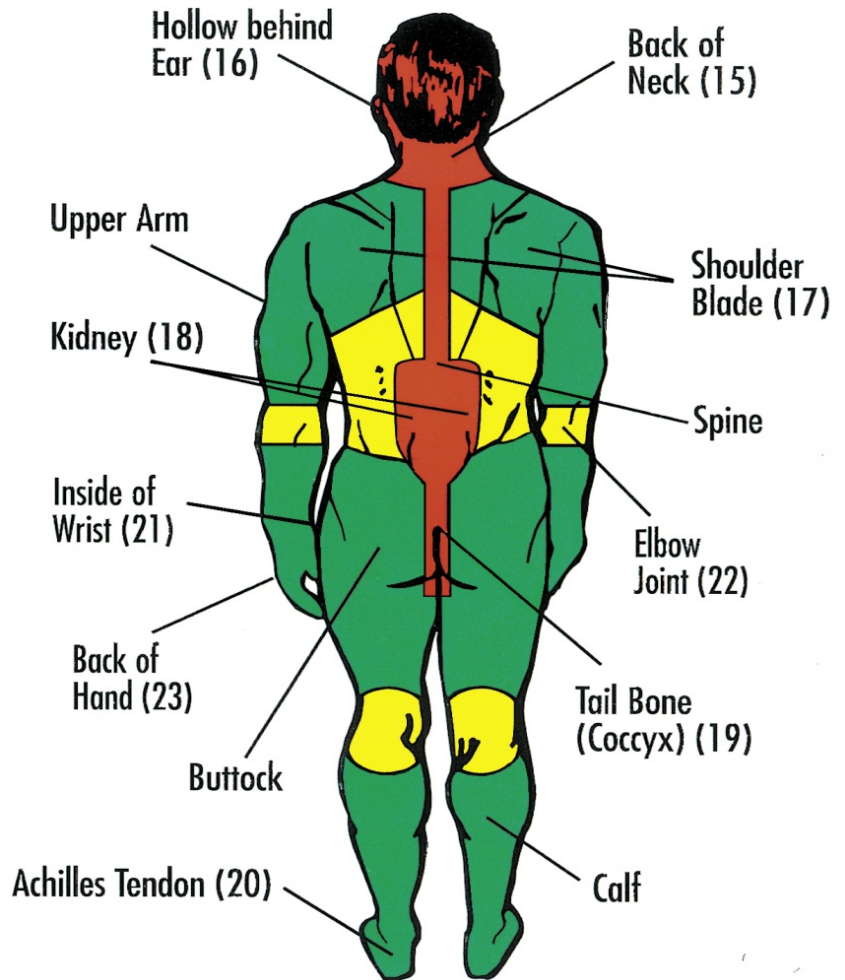
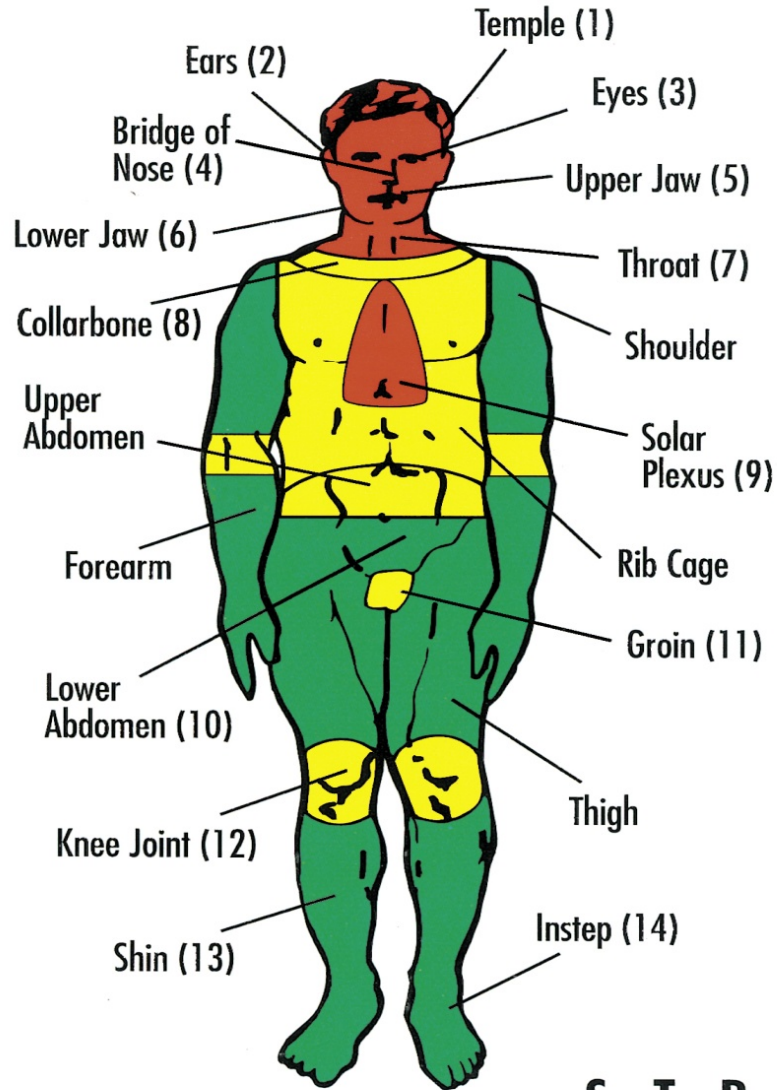
- COPS are more likely to be in Zone 1
 - Apartments, hallways, crowded bars.
- Zone 3 techniques are useless.
- Need to be able to fight inside with our baton

Baton Fighting Skills

- We are going to show you the effectiveness of the Two Hand Carry Position.
- Blocks, Strikes, moving people, controlling techniques, Etc.

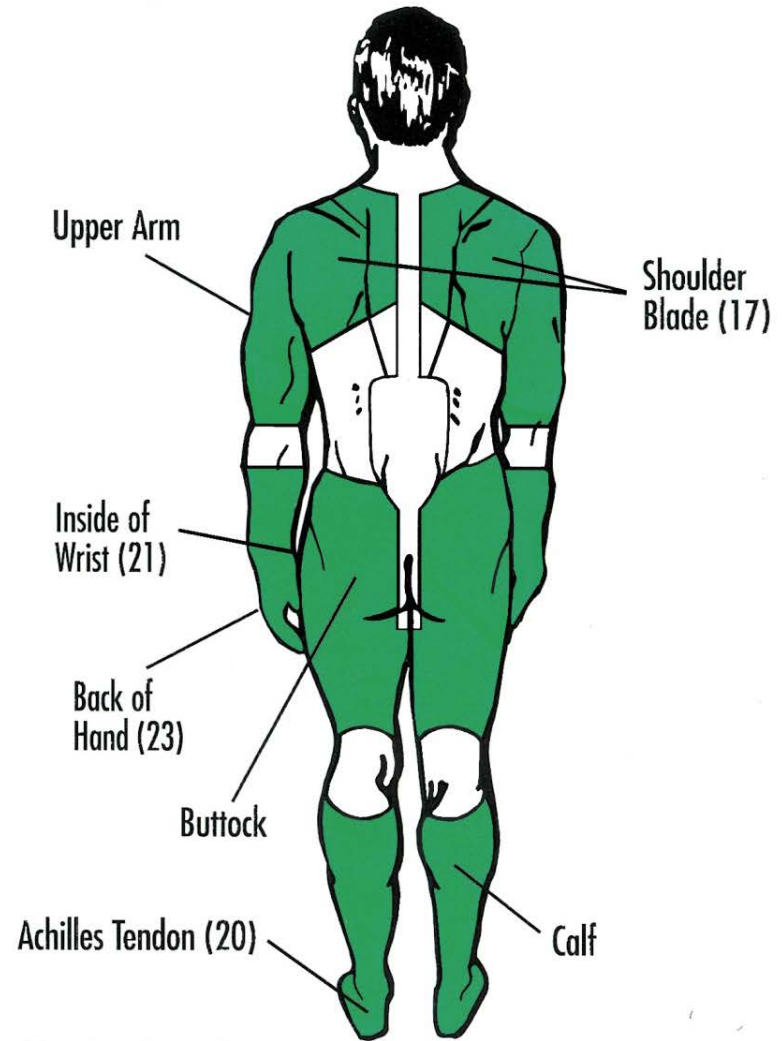
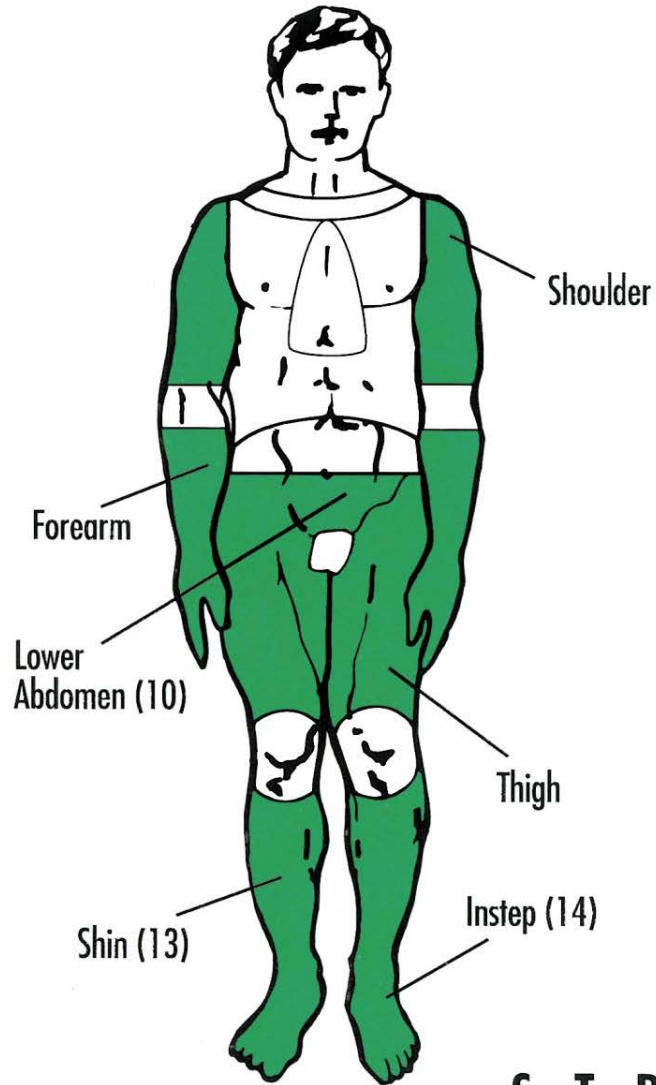


Baton Striking areas



S T R I K I N G

Green Target Areas

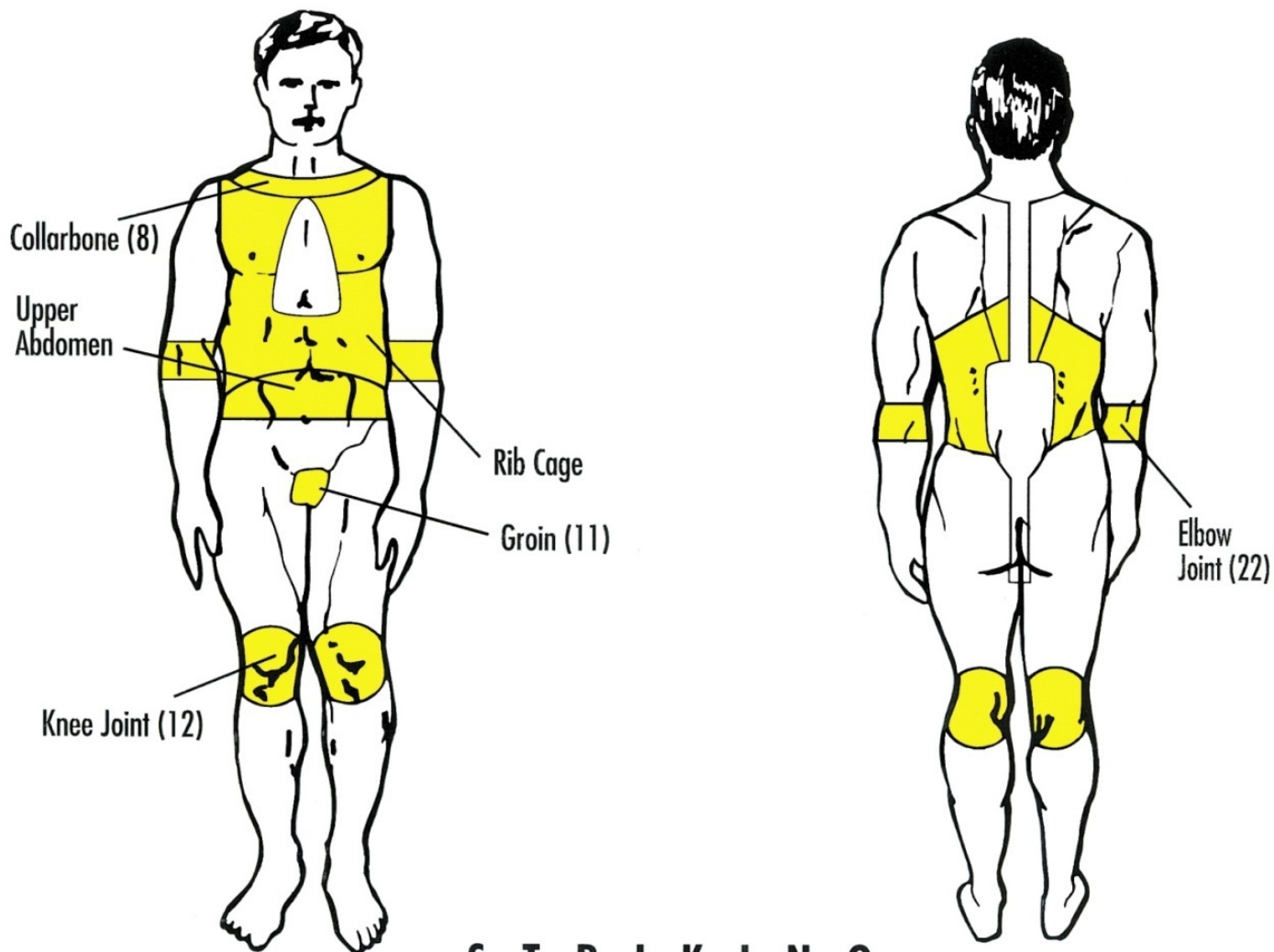


S T R I K I N G

GREEN TARGET AREAS - Primary

Minimal level of resultant trauma. Injury tends to be temporary rather than long lasting, however exceptions can occur.

Yellow Target Areas - Secondary

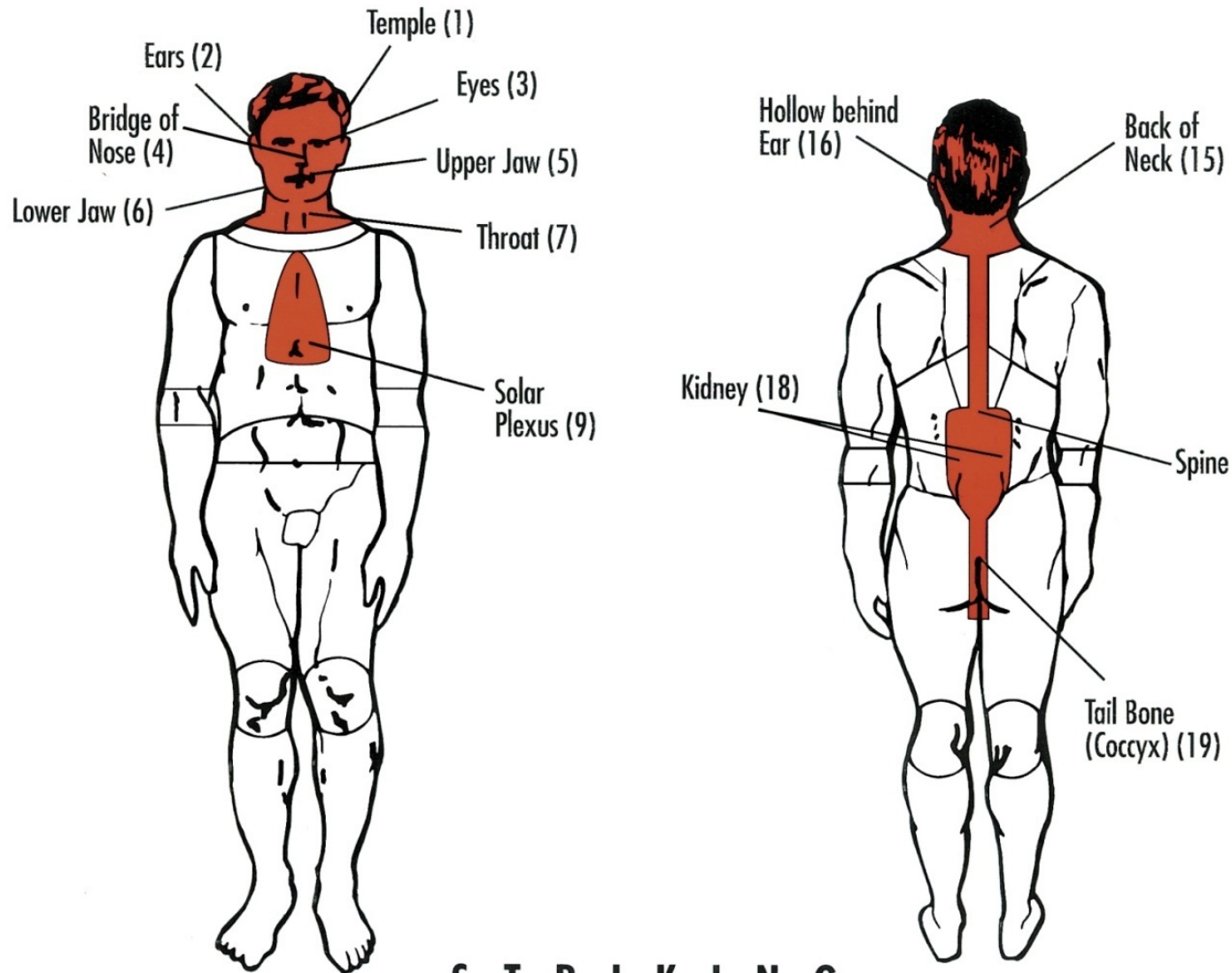


S T R I K I N G

YELLOW TARGET AREAS

Moderate to serious level of resultant trauma.
Injury tends to be more long lasting, but may also be temporary.

Red Target Areas – Lethal



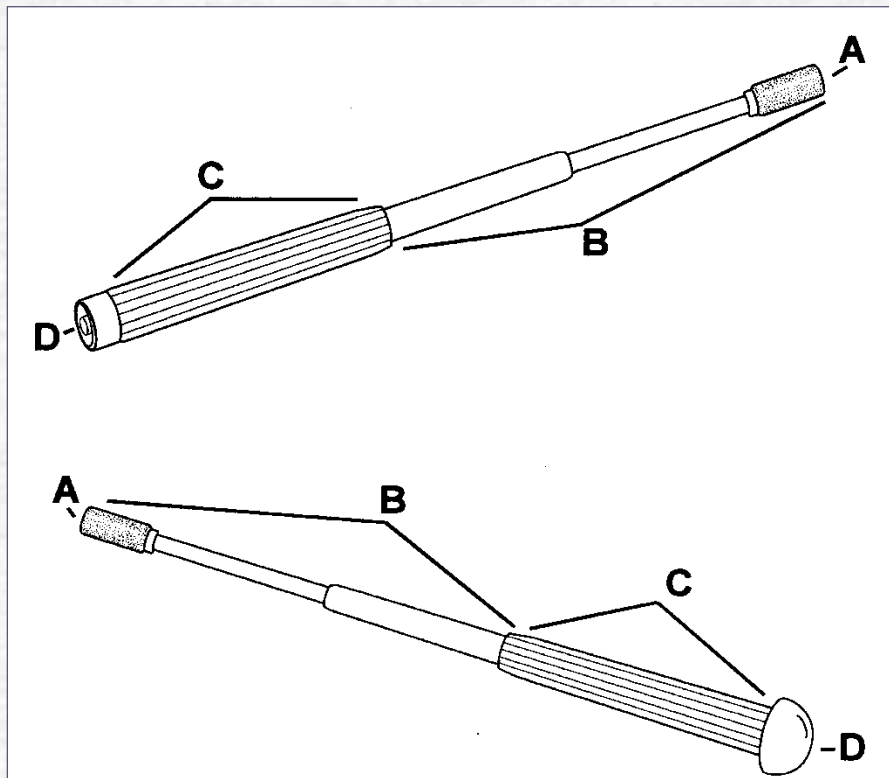
S T R I K I N G

RED TARGET AREAS

Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock, or death.

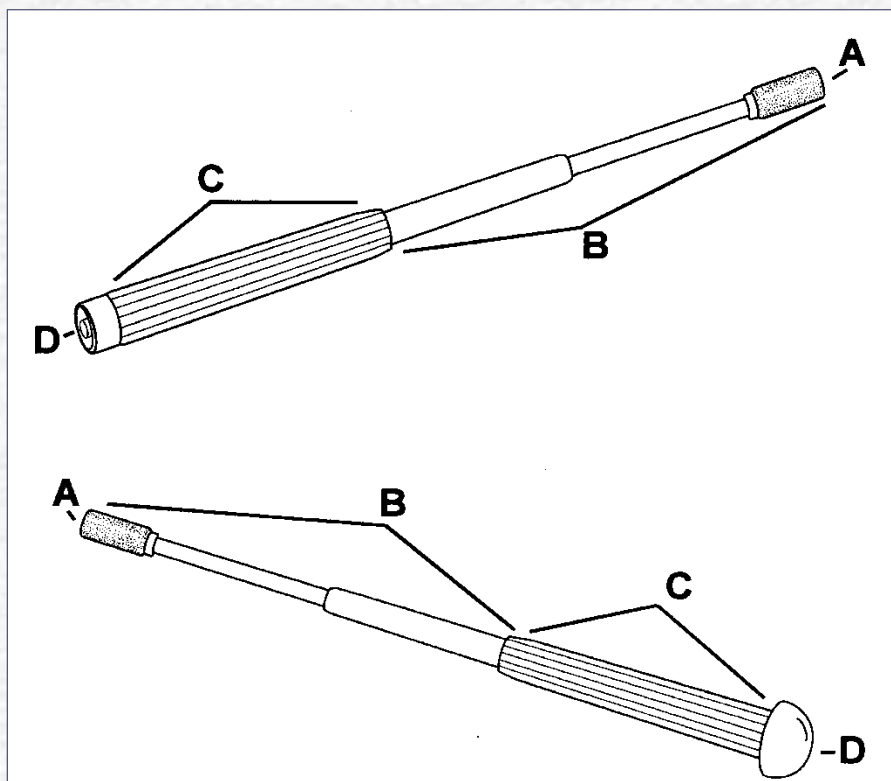
A baton strike to a **Red Target Area** would be considered a **Lethal Strike**. *Lethal Force must be warranted.*

MEB Nomenclature



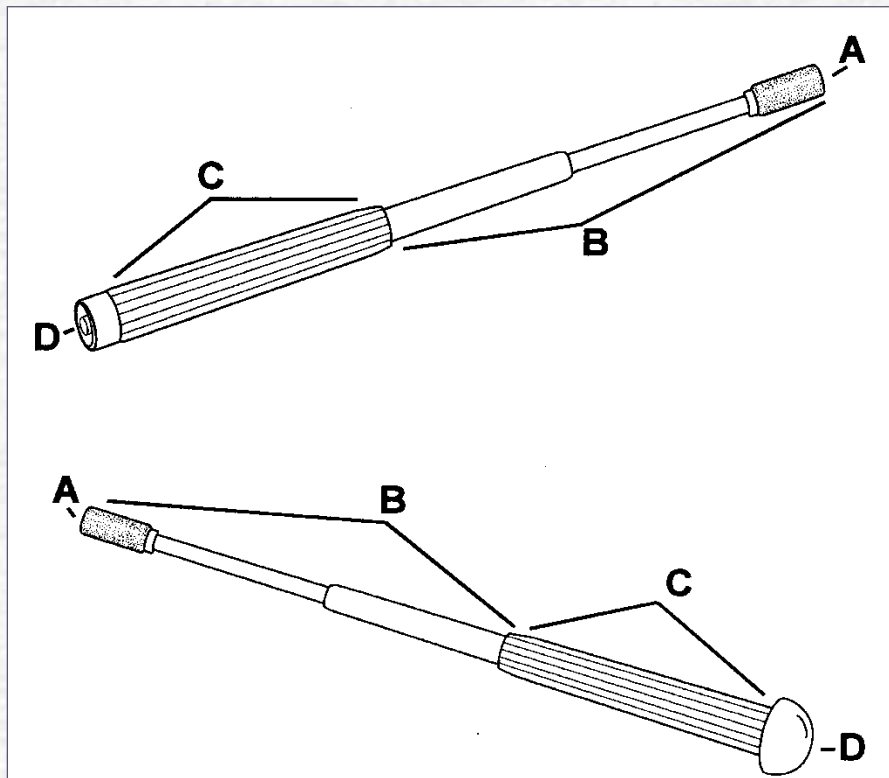
- A-Long End
- Baton opening and closing
- Baton Retention
- Baton Strikes and Blocks

MEB Nomenclature



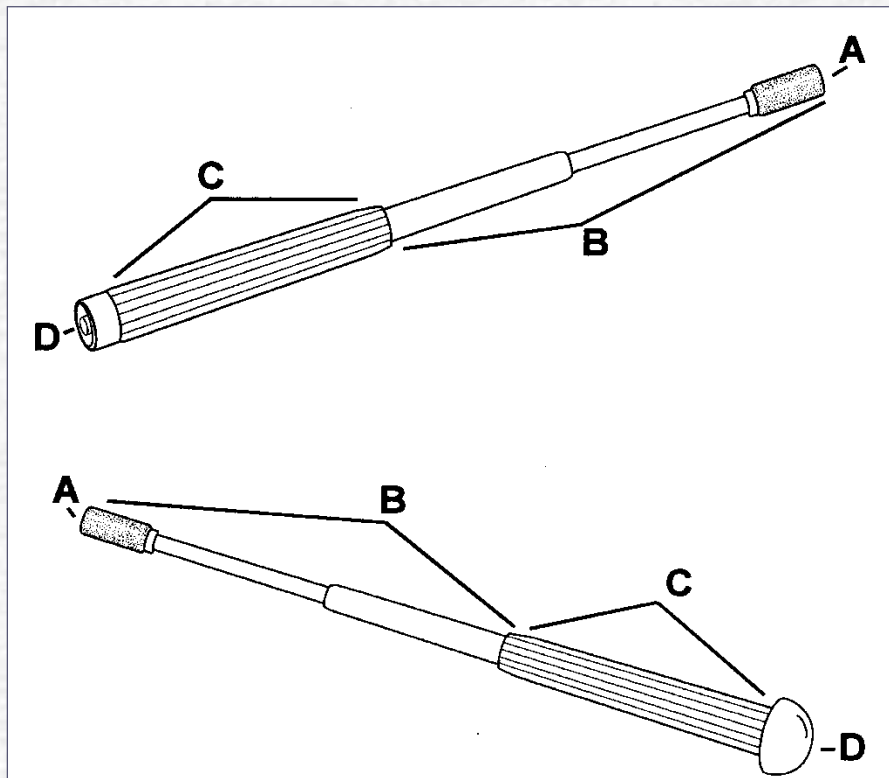
- B-Long Portion
- Two Hand Grip
- Strikes and Blocks
- Baton Control Techniques

MEB Nomenclature



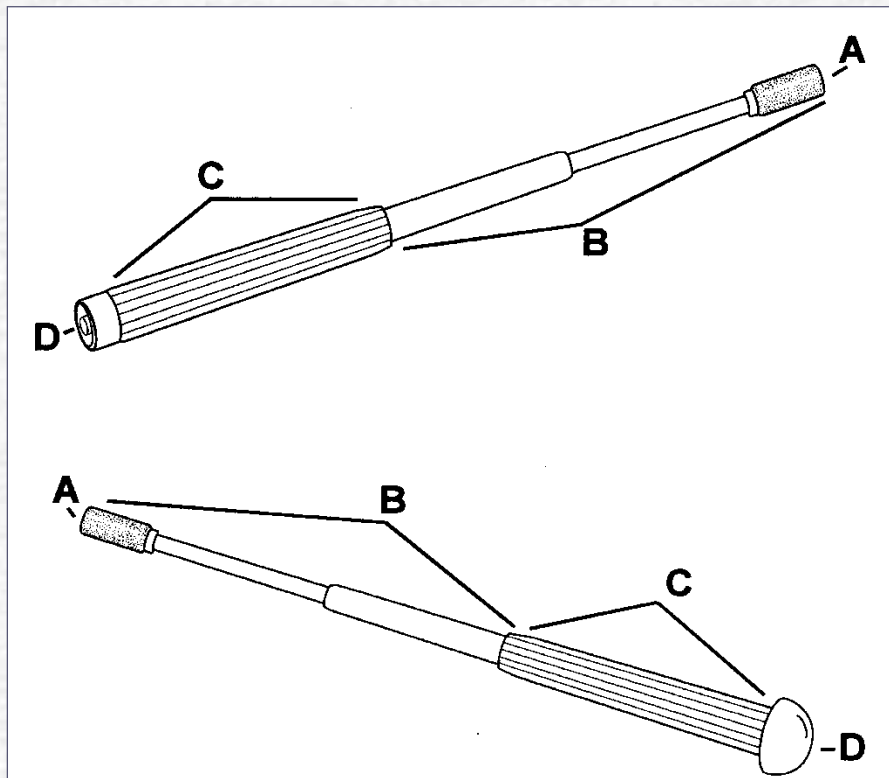
- ☞ C-Grip Portion
- ☞ One Hand Grip
- ☞ Two Handed Grip
- ☞ Draws

MEB Nomenclature



- D-Grip End
- Rear Jab
- Strikes
- Baton Retention (Hindi Cap)

MEB Nomenclature Review



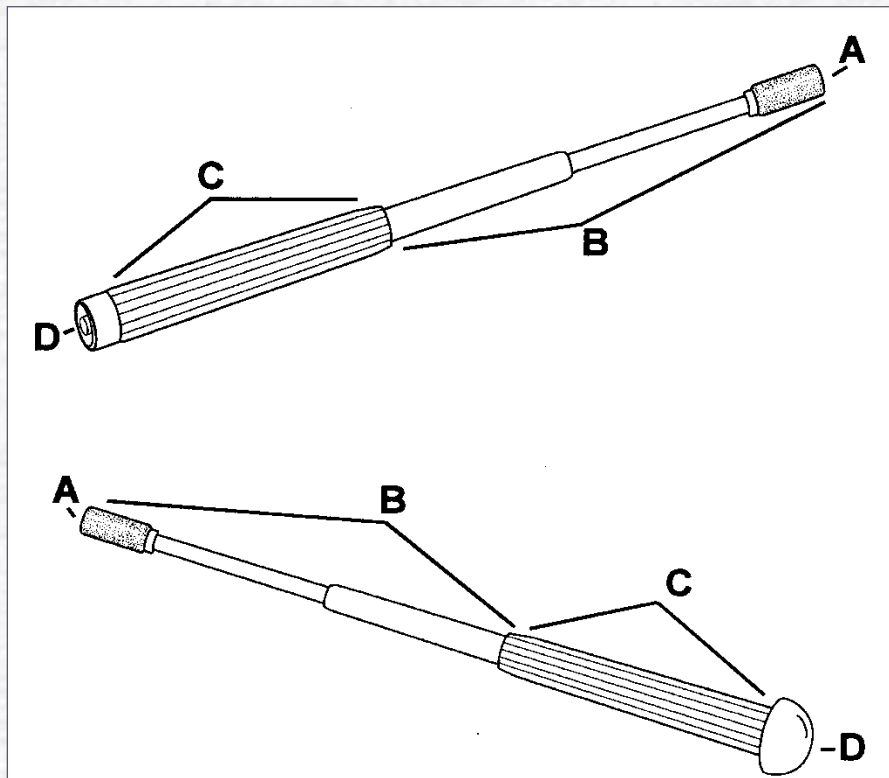
☞ A-Long End

☞ B-Long Portion

☞ C-Grip Portion

☞ D-Grip End

MEB Nomenclature Review



☞ A-Long End

☞ B-Long Portion

☞ C-Grip Portion

☞ D-Grip End



The Six Components of Handcuffing

- ☛ Immobilize
- ☛ Control
- ☛ Handcuff
- ☛ Search
- ☛ Monitor
- ☛ Transport

Six Components of Handcuffing

Immobilize



Immobilize

- Subject is placed in a position where his/her balance and movement is impaired. This may be done in a Standing, Kneeling, or Prone position. Subject is placed off-balance, while the Officer maintains a solid, well-balanced position. The Officer will also assume the most tactical position available in regard to **Relative Positioning**

Six Components of Handcuffing

Control



Control

- Once a subject is **Immobilized**, Officer will gain control of the subject's wrist, arm and/or shoulder depending on the level of control needed. The level of control of one of these parts of the body needs to be established prior to handcuffing. This control may be established by use of one of the **Control Techniques**, and depends on the level of resistance encountered.

Six Components of Handcuffing

Handcuff



Handcuff

- ☛ Once one of the levels of control have been established,
- ☛ Officer would then handcuff the subject. The handcuffing techniques used would be determined by the type of **Immobilization and Control** used. Subject should always be handcuffed with his/her hands behind the back unless this is physically or tactically **Not possible**. Following handcuffing of subject, handcuff should be tightened to the appropriate level and then double locked (when tactically possible).

Six Components of Handcuffing

- Search - Every subject placed in handcuffs needs to be thoroughly searched. This search should be conducted systematically to guarantee that the search was thorough. Officer should know to a reasonable certainty that the subject being transported is free of any weapons, which may be used against the Arresting Officer(s), or any Officer with whom the subject comes in contact. Officers need to be aware of techniques used for searching subjects of the opposite sex whom they have arrested. Officers also need to be aware of safety concerns when conducting **ANY** search.

Six Components of Handcuffing

- Monitor - An Officer must be able to identify any injuries sustained by a subject either during an arrest or prior to the contact with the Officer. It is an Officer's responsibility to provide and/or seek medical attention as needed or as requested by a subject. The Officer must also continue to monitor the subject to insure subject's safety and well being. Officer must also be aware of certain circumstances or situations which may place a subject at a higher risk for injury or other medical complications

Six Components of Handcuffing

- Transport - The movement of a subject placed in custody is very important. In order to move a subject from one place to another the Officer should place the subject in one of the appropriate **Prisoner Transport Positions**. This is done to establish and maintain control of a subject throughout the transport. The type of **Prisoner Transport Position** will be determined by the resistance encountered by the Officer. The Officer is responsible for the subject and should maintain control of the subject regardless of the level of resistance encountered.

What are Handcuffs?

- ☞ Temporary restraining devices
- ☞ Placed on the wrist between the hand and the wrist
- ☞ Tightened on the wrist, leaving enough room for one finger tip
- ☞ Placed on the wrist with the hands behind the back
- ☞ Not the end of prisoner control
- ☞ To be controlled during the entire handcuffing technique
- ☞ Taken off a subject in a safe and controlled manner
- ☞ More easily double locked and removed if the handcuff key is in an accessible spot

HANDCUFF NOMENCLATURE

- Single Strand
- Teeth
- Double Strand
- Rivet
- Locking Mechanism
- Lock Housing
- Key Hole
- Double Lock
- Chain
- Swivel
- Hinge
- Key