



# Arizona Peace Officer Standards and Training Board

## LESSON PLAN COVER SHEET

<b>COURSE TITLE:</b> Dynamics of Use of Force Encounters		<b>HOURS:</b> 15
<b>DATE FIRST PREPARED:</b> November 3, 2021	<b>PREPARED BY:</b> Lt. James Ward / Phoenix PD	
<b>DATE REVISED / REVIEWED:</b> (Please Circle one)	<b>BY:</b>	
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<b>DATE REVISED / REVIEWED:</b> (Please Circle one)	<b>BY:</b>	
<b>LIST ANY PREREQUISITES:</b> DNA		
<b>LEAD INSTRUCTOR:</b>	<b>BACK-UP INSTRUCTOR(s):</b>	
<b>APPROVAL NUMBER:</b>		
<b>COURSE DESCRIPTION:</b> This course is designed to prepare civilian police review board members in areas of de-escalation tactics and use of force, allowing them a better understanding of responses to dynamic situations within policing. This course meets the mandatory standard established through Arizona House Bill 2462.		
<b>INSTRUCTOR REFERENCES:</b> <ol style="list-style-type: none"><li>1. Arizona Revised Statutes</li><li>2. Force Science Institute Realistic De-escalation</li><li>3. City of Phoenix Operations Orders: Response to Resistance (1.5)</li><li>4. Force Science. <i>Researchers find no Racial Disparity in Police Deadly Force.</i> <a href="https://www.forcescience.org/2019/08/researchers-find-no-racial-disparity-in-police-deadly-forceand-thats-just-the-beginning/">https://www.forcescience.org/2019/08/researchers-find-no-racial-disparity-in-police-deadly-forceand-thats-just-the-beginning/</a></li><li>5. Contacts between Police and Public 2018- <a href="https://bjs.ojp.gov/library/publications/contacts-between-police-and-public-2018-statistical-tables">https://bjs.ojp.gov/library/publications/contacts-between-police-and-public-2018-statistical-tables</a></li><li>6. Department of Justice; Bureau of Justice Statistics <a href="https://bjs.ojp.gov/topics/use-of-force">https://bjs.ojp.gov/topics/use-of-force</a></li><li>7. Proceedings of the National Academy of the Sciences. <i>Officer Characteristics and Racial Disparities in Fatal Officer-Involved Shootings.</i></li></ol>	<b>TRAINING AIDS, EQUIPMENT, MATERIALS:</b>	

<a href="https://www.pnas.org/content/116/32/15877">https://www.pnas.org/content/116/32/15877</a> 8. International Association of Chief's of Police; Use of Force Position Paper <a href="https://www.theiacp.org/sites/default/files/2019-05/Use%20of%20Force%20Task%20Force%20Recommendations_Final%20Draft.pdf">https://www.theiacp.org/sites/default/files/2019-05/Use%20of%20Force%20Task%20Force%20Recommendations_Final%20Draft.pdf</a>			
<b>METHOD OF INSTRUCTION:</b> Online or in-person lecture / PowerPoint		<b>PRE-TEST:</b> Yes <u>No</u>	
		<b>POST-TEST:</b> <u>Yes</u> No	
<b>SUCCESS CRITERIA:</b>			
<b>PERFORMANCE OBJECTIVES:</b> <ol style="list-style-type: none"> <li>1. Identify the number of police contacts each year.</li> <li>2. Explain what is force?</li> <li>3. Explain why officers may react differently to the same situation?</li> <li>4. Explain reasonableness?</li> <li>5. Identify the three Graham Factors that go into reasonableness?</li> <li>6. Explain Totality of the Circumstances</li> <li>7. Identify the 4 elements of force</li> <li>8. Describe the levels of resistance</li> <li>9. Identify officer's response options</li> </ol>			
<b>AGENCY APPROVAL</b>	Name (Type or Print)	Signature	Date
	Title (Type or Print)	Agency Name (Type or Print)	

## Dynamics of Use of Force Encounters

Notes:

### I. INTRODUCTION

- A. Instructor Introductions
  - 1. Instructor Biographies
- B. Administrative Issues
- C. Purpose and Motivator
- D. Performance Objectives

At the end of this block on instruction, the students will be able to:

- 1. Identify the number of police contacts each year.
- 2. Explain what is force?
- 3. Explain why officers may react differently to the same situation?
- 4. Explain reasonableness?
- 5. Identify the three Graham Factors that go into reasonableness?
- 6. Explain Totality of the Circumstances
- 7. Identify the 4 elements of force
- 8. Describe levels of resistance
- 9. Identify officer's response options

### II. POLICE CONTACTS

- A. Bureau of Justice Statistics (2018)
  - 1. 61.5 million residents had at least one contact with police (24% of residents)
    - a. Whites (26%) were more likely than blacks (21%), Hispanics (19%), or persons of other races (20%) to experience police contact.
    - b. No statistically significant difference in the percentage of whites (12%) and blacks (11%) who experienced police-initiated contact.
- B. Officers Deadly Force Encounters
  - 1. In 2015 US Population was 321,418,820
  - 2. Estimated 990 subjects died due to police use of force (Washington Post Numbers – Used since they had higher reported numbers than other sources)
    - a. Based on these numbers, only .00031% of the US Population died from police use of force in 2015.
    - b. 16,121 people murdered in 2013 (16 times higher than deaths of those killed by law enforcement).
    - c. 33,804 people died in motor vehicle collisions (34.2 times higher than those killed by law enforcement).
  - 3. Most officers will go their entire career without ever having to fire their gun.
  - 4. Deadly force encounters are very rare.
- C. Michigan State University Study
  - 1. Reviewed 917 fatal police shootings nationally (2015 data)

PO #1

Dynamics of Use of Force Encounters	Notes:
<ul style="list-style-type: none"> <li>a. Identified that 90%-95% of those shot were attacking the officer or a third party.               <ul style="list-style-type: none"> <li>1) Those subjects were only identified as 'attacking' if they were armed, not just combative or advancing towards the officer.</li> </ul> </li> <li>b. Found no evidence of anti-Black or anti-Hispanic disparity in police shootings</li> <li>c. Factor that correlated most strongly to the race of the person shot was the violent crime rate of the racial group.</li> </ul>	
<p><b>III. USE OF FORCE</b></p> <ul style="list-style-type: none"> <li>A. What is Use of Force           <ul style="list-style-type: none"> <li>1. The amount of effort required by law enforcement to gain compliance from an unwilling subject. (Bureau of Justice Statistics)</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>B. Who decides what level of force an officer can use?           <ul style="list-style-type: none"> <li>1. Suspect               <ul style="list-style-type: none"> <li>a. Officers are reactionary to the suspects actions.                   <ul style="list-style-type: none"> <li>1) Police officers cannot respond to calls with the intention of using force upon arrival. They must react to the situation presented.</li> <li>2) With that, officers are reactionary in nature, therefore usually delayed in their response to a violent attack.                       <ul style="list-style-type: none"> <li>a) This is not to say that officers do not mentally prepare for a violent encounter prior to it occurring, but mental preparation and planning an attack without just cause are two completely different actions.</li> </ul> </li> </ul> </li> </ul> </li> </ul> </li> </ul>	<p>PO #2</p>
<ul style="list-style-type: none"> <li>C. What can cause officers to react differently in similar situations?           <ul style="list-style-type: none"> <li>1. Experience               <ul style="list-style-type: none"> <li>a. Every officer has varying levels of experience. This can include life experience (non-law enforcement), time on as a law enforcement officer, geographical location of law enforcement experience, etc...</li> </ul> </li> <li>2. Training               <ul style="list-style-type: none"> <li>a. Every Arizona Law Enforcement Officer had to complete a Basic Academy experience, completing the same mandatory material. But once completed with this basic knowledge and experience, each individual is allowed to pursue different paths based upon their own preference. (Tactics, Investigations, etc...)</li> <li>b. Arizona Police Officer Standards and Training Board (AZPOST) is the governing body for all Arizona law enforcement who sets the legal standards for officers.                   <ul style="list-style-type: none"> <li>1) Every Arizona law enforcement officer is required to complete 8 hours of proficiency training every 3 years, and;</li> <li>2) Every Arizona law enforcement officer is required to complete 8 hours of continuing education every year.</li> </ul> </li> </ul> </li> <li>3. Perception               <ul style="list-style-type: none"> <li>a. Every person reacts to a stimulus differently.</li> <li>b. Officers who have a combination of training and experience may have a</li> </ul> </li> </ul> </li> </ul>	<p>PO #3</p>

Dynamics of Use of Force Encounters	Notes:
<p>heightened increase in perception of things unfolding around them.</p> <ol style="list-style-type: none"> <li>1) Officer with heightened perception may identify cues from a subject that directly correlates to a specific behavior. <ol style="list-style-type: none"> <li>a) A simple obvious example of this would be while talking to a subject that they have reasonable suspicion to detain, they observe the subject looking both direction (as if looking for best avenue of escape), the subject begins to appear to start stretching their leg muscles, subject begins to tighten belt, etc...</li> <li>b) This behavior would best be associated with a subject who is preparing to run from the officer. Though these cues appear to be obvious, there are small cues that by themselves are insignificant, but an officer with heightened perception could articulate the necessity to take action quicker.</li> </ol> </li> </ol> <p>D. <i>Graham v. Connor, 490 U.S. 386 (1989)</i></p> <ol style="list-style-type: none"> <li>1. An officer's right to make an arrest or investigative stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it (force).</li> <li>2. The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application; however, the proper application requires careful attention to the facts and circumstances of each particular case. <ol style="list-style-type: none"> <li>a. What is objective <u>reasonableness</u>? <ol style="list-style-type: none"> <li>1) Supreme Court ruled there is no "precise or mechanical" application possible for the test of reasonableness. Rather, careful attention to the facts and circumstances of each case should be considered. <ol style="list-style-type: none"> <li>a) Three primary factors that are identified to help establish reasonableness: <ol style="list-style-type: none"> <li>1. The Severity of the Crime</li> <li>2. Whether the suspect poses an immediate threat to the safety of officers or others.</li> <li>3. Whether the suspect is actively resisting arrest (seizure) or attempting to evade arrest by flight.</li> </ol> </li> <li>b) Totality of the Circumstances <ol style="list-style-type: none"> <li>1. Other factors that should be taken into account when considering an officers actions and decisions: <ol style="list-style-type: none"> <li>a. Information communicated to the officer at the time of the incident</li> <li>b. Environment around officer / incident (violent crowd, hostile family members, etc...)</li> <li>c. Subjects actions (Active Resistance / Active Aggression)</li> <li>d. Rapidly evolving high stress event</li> <li>e. Prior law enforcement contacts</li> <li>f. Number of officers on scene vs number of subjects on scene</li> <li>g. Size and strength of subject vs size and strength of officer</li> <li>h. Injury or level of exhaustion of officer</li> </ol> </li> </ol> </li> </ol> </li> </ol> </li> </ol> </li></ol>	<p>PO #4</p> <p>PO #5</p> <p>PO #6</p>

Dynamics of Use of Force Encounters	Notes:
<ul style="list-style-type: none"> <li>i. Subject's proximity to weapons</li> <li>c) The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.</li> <li>d) When calculating reasonableness on the amount of force necessary in a particular situation one should consider that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving.</li> <li>e) The officer's subjective beliefs or motives are irrelevant.</li> </ul> <p>3. Minimal Amount of Force</p> <ul style="list-style-type: none"> <li>a. Court also found that law enforcement officers do not have to use the minimum amount of force in any given situation.</li> <li>b. Officers must use a force option that is reasonable based upon the totality of the circumstances.</li> <li>c. Departmental policies may be more restrictive.</li> </ul> <p>4. Localized Video Discussions</p> <ul style="list-style-type: none"> <li>a. What factors influence the officers decisions to use force?</li> <li>b. What information did the officer have at the time of the incident?</li> <li>c. Was the force reasonable?</li> <li>d. Were their other factors that influenced their decision (Totality)</li> </ul> <p><b>IV. APPLYING DE-ESCALATION TO LAW ENFORCEMENT</b></p> <p>A. De-escalation is designed to help officers resolve an incident as safely as possible to protect the public and all persons involved by reducing the intensity of potential volatile situations through the use of tactics, techniques, and various levels of force.</p> <ul style="list-style-type: none"> <li>1. This can include communicating with subjects and utilizing time and distance to increase the possibility of reducing or eliminating the need for force.</li> <li>2. This also includes the utilization of force options when justified to do so, ending the threat, or potential threat from the suspect as quickly as possible before the situation escalates further, forcing the officer to use a higher means of force.</li> </ul> <p>B. With de-escalation strategies, there are three primary resolutions, and, in each case, the scene has successfully been de-escalated if the subject no longer poses a danger to the public, innocent persons, or the officer(s).</p> <ul style="list-style-type: none"> <li>1. The subject complies and allows law enforcement to take them into custody.</li> <li>2. Law Enforcement uses a level of coercion, to include verbal negotiations or less-lethal tools, where the subject can safely be taken into custody, decreasing the need for further force or the need for escalation of force.</li> <li>3. The situation is escalated by the subject's actions to the point of extreme violence, increasing the need for the officer to escalate their level of force, likely to result in death or serious physical injury of innocent persons/employees to the point that lethal force must be</li> </ul>	

Dynamics of Use of Force Encounters	Notes:
<p>used to de-escalate the situation.</p> <p><b>V. 4 Elements of Force</b></p> <p>A. Ability</p> <ol style="list-style-type: none"> <li>1. Does the subject have the physical and practical means to cause you harm?</li> </ol> <p>B. Opportunity</p> <ol style="list-style-type: none"> <li>1. Does the suspect have the ability to cause you harm; right here, right now?</li> </ol> <p>C. Jeopardy</p> <ol style="list-style-type: none"> <li>1. Would a reasonable or prudent person believe themselves or a 3<sup>rd</sup> party to be in immediate danger? <ol style="list-style-type: none"> <li>a. It is important to understand that you cannot actually know the person's intent. All you must judge are the articulable facts presented by the subject.</li> </ol> </li> </ol> <p>D. Preclusion</p> <ol style="list-style-type: none"> <li>1. All other alternatives of force have been reasonably considered and cannot be employed in a safe manner based on the totality of the circumstances the employee/s or others are facing. <ol style="list-style-type: none"> <li>a. Is the threat current and unavoidable?</li> <li>b. Is your force appropriate to the threat?</li> <li>c. Force must stop when the threat has ended.</li> </ol> </li> </ol> <p><b>VI. TYPES OF RESISTANCE</b></p> <p>A. There are several types or levels of resistance to officer's commands</p> <ol style="list-style-type: none"> <li>1. <b>Psychological Intimidation</b> – Non-verbal cues indicating subject's unwillingness or threats through attitude, appearance, and physical readiness.</li> <li>2. <b>Verbal Non-Compliance</b> – Verbal responses indicating unwillingness or threats.</li> <li>3. <b>Passive Resistance</b> – Physical actions that do not prevent an officer's attempt to control.</li> <li>4. <b>Active Resistance</b> – Physical actions that attempt to prevent an officer's control but does not involve attempts to harm the officer.</li> <li>5. <b>Active Aggression</b> – Physical actions of assault.</li> <li>6. <b>Aggravated Active Aggression</b> – Deadly force encounter.</li> </ol> <p><b>VII. OFFICER RESPONSE OPTIONS</b></p> <p>A. There are several different techniques officers can use in response to resistance</p> <ol style="list-style-type: none"> <li>1. <b>Presence</b> – Identification of Authority</li> <li>2. <b>Verbal Direction</b> – Commands of direction or arrest</li> <li>3. <b>Soft Empty Hand Control and Restraining Devices</b> – Techniques that have a minimal chance of injury.</li> <li>4. <b>Chemical Agents</b> – OC (Pepper Spray)</li> </ol>	<p>PO #7</p> <p>PO #8</p>

Dynamics of Use of Force Encounters	Notes:
<p>5. <b>Electronic Control Device (ECD)</b> – Taser</p> <p>6. <b>Intermediate Control Techniques</b> – Techniques that have a probability of injury.</p> <p>7. <b>Hard Empty Hand Control</b> – Fist strikes, kicks, and other physical actions</p> <p>8. <b>Impact tools-</b> less-lethal tools</p> <p>9. <b>Deadly Force</b> – Lethal weapons or tactics</p> <p><b>VIII. INDIVIDUAL AGENCY USE OF FORCE POLICIES</b></p> <p><b>IX. SMALL GROUP DISCUSSION / SELF REFLECTION</b></p> <p>A. Use of Force Videos</p> <p><b>X. CONCLUSION</b></p> <p>A. Review of Performance Objectives</p> <p>At the end of this block on instruction, the students will be able to:</p> <ol style="list-style-type: none"> <li>1. Identify the number of police contacts each year.</li> <li>2. Explain what is force?</li> <li>3. Explain why officers may react differently to the same situation?</li> <li>4. Explain reasonableness?</li> <li>5. Identify the three Graham Factors that go into reasonableness?</li> <li>6. Explain Totality of the Circumstances</li> <li>7. Identify the 4 elements of force</li> <li>8. Describe levels of resistance</li> <li>9. Identify officer’s response options</li> </ol> <p>B. Summarize</p> <p>C. Encourage and Reinforce</p> <p>D. Questions?</p> <p><b>***ANY CHANGES TO THIS OUTLINE CONSTITUTES A REVISION AND MUST BE DOCUMENTED AS A NEW LESSON PLAN AND RE-APPROVED. ***</b></p>	<p>PO #9</p>