

SECTION 4 Use of Force

4.1 – 4.2 COMPETENCY REQUIREMENTS

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Note to Administrators

In order for POST to review and approve your agency's *Field Training Guide*, you MUST submit the following electronic files:

- 1) The POST FTP Approval Checklist ([Form 2-230](#))
- 2) Your department's *Policy & Procedure Manual*
- 3) Your completed Guide (Volumes 1 & 2), including ALL competency requirements covered in Part 5, Sections 1–18.

LIST OF SUBTOPICS

4.1 LEGAL AND ETHICAL ISSUES

- 4.1.01 Legal and Ethical Considerations
- 4.1.02 Agency Policy and Liability
- 4.1.03 Ethical Conduct

4.2 FORCE OPTIONS

- 4.2.01 Explanation of Force Options and Examples

SECTION 4 USE OF FORCECHECK ONE ONLY: ☐ PHASE 1 ☐ PHASE 2 ☐ PHASE 3 ☐ PHASE 4 ☐ PHASE 5

Trainee

FTO

4.1 LEGAL AND ETHICAL ISSUES**4.1.01 Legal and Ethical Considerations**

The trainee shall review and discuss the legal and ethical considerations pertaining to the use of force and “reasonable force.”

Reference(s): Penal Code [835](#), [835a](#), [843](#), [198](#)

Case # (If applicable)

Incident #

	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								

Comments (field will expand automatically)

Additional Information:**4.1.01 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)**☐ N/A

Preface: Law Enforcement Code of Ethics, 100 Law Enforcement Authority, 300 Use of Force

4.1.01 Part B - Agency Training Details *(field will expand automatically)*

The below information will be read by the trainee and then discussed with the FTO.

Use of Force-

It is important to understand the foundational law, behind use of force. Below we have outlined, what legal authority allows Officers to use force, departmental policy regarding force and what constitutional rights are affected by Officers employing such force.

Penal Code Section 835a PC- This section is what gives Officers the legal authority to use force within the scope of their duties.

Departmental Use of Force Policy- It is also essential to understand the expectations that our department has in regards to use of force and ensure that you work within the confines of what is outlined in policy. Refer to Lexipol Policy 300 (Use of Force) for the current policy.

4th Amendment to the Constitution-

The 4th Amendment states “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

It is imperative, that we have a very strong understanding of the circumstances in which we can use force (as outlined in PC 835a.). A police officer’s successful use of deadly force constitutes a seizure within the meaning of the Fourth Amendment, and therefore it must be reasonable. The fact-specific nature of whether an officer’s use of force is unreasonable or excessive depends on the totality of the circumstances surrounding the encounter. Further, the issue of whether an intentional use of deadly force by a police officer is permissible under the Fourth Amendment requires an objective reasonableness inquiry. This objective reasonableness has been outlined by the Supreme Court in the case *Graham v. Conner*.

Objective Reasonableness Standard (*Graham v. Conner*) –

As a result of the case *Graham v. Conner*, the court identified a basic standard, by which Officers must weigh their actions, prior to the implementation of such force. Officers must quickly and instinctively ask three questions (three pronged test):

What was the severity of the crime that the officer believed the suspect to have committed or be committing?

Did the suspect present an immediate threat to the safety of officers or the public?

Was the suspect actively resisting arrest or attempting to escape?

The Supreme Court cautioned courts’ examining excessive force claims that “the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” The Court also stated that the use of force should be measured by what the officer

knew at the scene, not by the "20/20 vision of hindsight" by a Monday-morning quarterback. In sum, the Court fashioned a realistically generous test for use of force lawsuits.

In the nearly two decade history of *Graham v. Connor*, courts have refined the three-prong *Graham* test and applied a number of additional factors. For example, courts consider the degree of threat posed by the suspect to officers or the public in light of relative numbers and strength. When officers are outnumbered or confronted with particularly powerful suspects, additional force may be justified. *Sharrar v. Felsing*, 128 F.3d 810 (3rd Cir. 1997). Courts may also consider the immediate availability of less-lethal tools. *Tom v. Volda*, However, an officer or agency cannot be held liable for the agency's failure to purchase and deploy a particular less-lethal technology. *Estate of Smith v. Silvas*, 414 F.Supp.2d 1015 (D. Colo. 2006). The suspect's history of mental illness, or level of impairment from alcohol or drugs, also contributes to the analysis of the threat posed by the suspect. *Krueger v. Fuhr*

4.1.02 Agency Policy and Liability

The trainee shall explain agency policy regarding the use of physical force or deadly force, and the legal ramifications and civil liability for both the officer and the agency.

Reference(s):					Case # (If applicable)	Incident #		
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
Comments (field will expand automatically)								

Additional Information:

4.1.02 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)

☐ N/A

Department Policies: 300 Use of Force, 301 Use of Force Review Boards, 306 Officer Involved Shooting

4.1.02 Part B - Agency Training Details *(field will expand automatically)*

See 4.1.01

The above information will be read by the trainee and then discussed with the FTO.

4.1.03 Justification of Deadly Force

The trainee shall identify and evaluate situations that do and do not justify the use of deadly force.

Reference(s):					Case # (If applicable)	Incident #		
FTO:	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
Trainee:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Comments <i>(field will expand automatically)</i>								

Additional Information:**4.1.03 Part A - Reference Agency Policies/Procedures, if applicable** *(600 characters maximum)*☐ N/A

Department Policies: 300 Use of Force

4.1.03 Part B - Agency Training Details *(field will expand automatically)*

See 4.1.01

The above information will be read by the trainee and then discussed with the FTO.

4.2 FORCE OPTIONS**4.2.01 Explanation of Force Options and Examples**

The trainee shall explain what is meant by ‘force options’ and provide examples of each that would fall within legal and moral limits, to minimally include:

- A. Nonverbal/police presence
- B. Verbal (tactical communication)
- C. Physical (weaponless)
- D. Less lethal weapons, including:
 - 1. Chemical Agents
 - a. The trainee shall explain the regulations governing the use of chemical agents, including the follow-up procedures for those to whom they have been applied, and the reporting procedures in cases where they were used.
 - 2. Impact Weapons
 - b. The trainee shall know when and how to effectively use the police baton and other impact weapons in an authorized manner.
 - c. The trainee shall identify the areas of the body recognized as baton/impact weapon “target” areas.
 - d. The trainee shall identify those vital body areas that are potentially lethal when struck by a baton/impact weapon.
- 3. Additional Less-Lethal Weapons
 - e. The trainee shall identify additional agency-approved less-lethal weapons (e.g., Stun guns, TASER®, PepperBall®, and/or bean bag weapons, etc.)
- E. Deadly force

The trainee shall explain considerations to be made when determining whether or not to resort to the use of deadly force. These considerations shall minimally include:

 - 1. Type of crime and suspects(s) involved
 - 2. Threat to the lives of innocent persons
 - 3. Laws and agency policies
 - 4. Officer’s present capabilities
- F. Capabilities of officer’s weapon

Reference(s):

Case # (If applicable)

Incident #

	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								

Comments (field will expand automatically)

Additional Information:**4.2.01 Part A - Reference Agency Policies/Procedures, if applicable** (600 characters maximum)☐ N/A

Department Policies: 300 Use of Force, 302 Handcuffing and Restraints, 304 Control Devices and Techniques, 305 Conducted Energy Device, 307 Firearms

4.2.01 Part B - Agency Training Details (field will expand automatically)

See 4.1.01

The below information will be read by the trainee and then discussed with the FTO.

Baton Target Areas:

Baton contact should be directed to the areas of the body that will temporarily incapacitate the combatant and avoid contact to the body parts that could be potentially lethal.

The primary target areas are:

- Arms
- Hands
- Wrists
- Elbows
- Knees
- Shins

Secondary target areas:

- Chest
- Mid-section

Target areas to avoid:

- Head
- Neck
- Throat
- Spine
- Kidneys
- Groin

See next page for Attestation

Part 5 – Section 4: Agency Orientation/Department Policies

ATTESTATION FOR SECTION 1

TO ENTER YOUR ELECTRONIC SIGNATURE:

- Click on the 'X' in the signature line to activate the signature field > Right click and select "Sign" from the menu.
- Click on "Select Image" > Locate your signature file > Click "Open" to place your signature (date appears automatically).
- Enter your full name next to your signature.

YOUR ELECTRONIC SIGNATURES VERIFY that the Field Training Officer (FTO) and Trainee attest to the following:

1. The FTO(s) provided all instruction, training, and related feedback/comments to the Trainee in accordance with the agency's training requirements for this portion of the Field Training Program.
2. The Trainee demonstrated all competencies required for this portion of the Field Training Program.
3. If remedial training was performed, the results were reviewed by the appropriate FTO(s) and accepted by the Trainee.
4. The final evaluation of the Trainee's performance for this portion of the Field Training Program were approved by the FTO(s) and accepted by the Trainee.

Primary Field Training Officer:

X

Print Full Name: _____

Trainee:

X

Print Full Name: _____

IMPORTANT: After signing the Attestation, the file will be "locked" and **CANNOT BE MODIFIED**. If you need to make changes, both signatures must be removed and re-entered after the final revisions have been made.

To remove the electronic signature: Right click on the signature line > Select "Remove" from the menu.

See the following pages for Instructions to Administrators and FTOs

How to Complete Part 5 (Sections 1–18)

INSTRUCTIONS TO ADMINISTRATORS

VOLUME 2 OF THE FIELD TRAINING GUIDE CONSISTS OF 18 SECTIONS WHICH MAKE UP PART 5. Each section is provided as a separate file on the POST website (<https://www.post.ca.gov/field-training--police-training.aspx>). Prior to submitting your FTP Guide to POST for review, you must complete all 18 sections and include them as part of your Guide.

1. **Set up:** Keep an unchanged copy of each section file as a master for reference. Make a copy of the file to use for your agency-specific entries.
2. **Front cover (optional):** To keep a hard copy of Volume 2 for internal use, you can add your agency name and date to the front cover.
3. **For each section (1–18):**
 - a. Open the applicable file and add your agency name and date to the header on page 1. (DO NOT change any other headers or footers or alter any other sections of the file.)
 - b. Below each table:
 - *Part A:* Enter applicable references from your agency's Policies & Procedure Manual.
 - *Part B:* Enter your agency's training details.
4. **After completing ALL sections (1–18),** you MUST submit the following materials via flash drive, CD, or DVD to POST for review and approval (do not send printed copies):
 - 1) **Your completed FTP Guide**
 - 2) **FTP Approval Checklist** ([POST Form 2-230](#))
NOTE: Guides submitted without this form will NOT be reviewed.
 - 3) **Your Department's Policy & Procedure Manual**
5. MAIL YOUR ELECTRONIC MEDIA TO:
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
Attn: Phil Caporale – BTB
6. You will receive status notification within 90 days from the date received.

See next page for Instructions to Field Training Officers

How to Complete Part 5 (Sections 1–18)

INSTRUCTIONS TO FIELD TRAINING OFFICERS (FTOs)

VOLUME 2 OF THE FIELD TRAINING GUIDE CONSISTS OF 18 SECTIONS WHICH MAKE UP PART 5. Each section has been customized by your agency administrator(s) to include references to policies and procedures and training details to meet your agency's Field Training Program requirements. Each file is provided as a separate file. For each section (1–18), complete all tables for each topic.

1. **Set up:** Keep an unchanged copy of each section file as a master for reference. Make a copy of the file to use for your training sessions.
2. **Tracking your training sessions:**
 - a. Upon completing each competency, enter the FTO and trainee names and dates, and how the competency was demonstrated, into the applicable tables.
 - b. Enter any note-worthy comments related to the trainee's performance.
3. **If trainee requires remedial training:**
 - c. Enter the FTO and trainee names and dates, and how the competency was remediated, to show that each competency was completed.
 - d. Enter any additional note-worthy comments related to the trainee's performance.
4. **Attestation:** After all competencies have been performed, including any remedial training, the primary FTO and Trainee **MUST** enter their electronic signatures on the Attestation page (see instructions) to verify that the Trainee has completed this portion of the Field Training Program.

End Section