



HRCJTA TB 2021-1

DATE: January 20, 2021
TO: Hampton Roads Criminal Justice Training Academy Member Agencies
FROM: Scott Barlow, Executive Director
SUBJECT: HRCJTA Training Bulletin 2021-1(HRCJTA Training: Use of Force, Choke Holds, De-escalation, and Duty to Intervene)

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On June 16, 2020, President Trump issued Executive Order 13929, *Standards for Certification on Safe Policing for Safe Communities*. As a part of that Executive Order, any agency wishing to receive Federal discretionary funding must be certified as compliant with two (2) mandatory safe policing principles:

1. Use of force policies that adhere to all federal, state, and local laws, and
2. A policy prohibiting the use of chokeholds, except where deadly force is allowed by law.

In response to this Executive Order the HRCJTA is providing a synopsis of our training in relation to: "Use of Force", "De-Escalation", and "Duty to Intervene". If further information is required please request a copy of related lesson plans. The HRCJTA provides instruction in communications, tactical communications, use of force, liability, firearms, arrest control, emergency response driving, legal, mentally ill, cultural awareness, procedural justice, and numerous other topics. This synopsis is intended to assist our agencies in providing information, if requested, on these topics. The HRCJTA does not have one specific lesson plan for each of these topics, as many courses of instruction that are provided throughout the academy discuss these topics.

Choke Holds/Neck Restraints/Airway & Blood Flow Restriction:

The Hampton Roads Criminal Justice Training Academy (HRCJTA) provides training on how to defend against a suspect choking an officer/deputy. The HRCJTA does not provide instruction

on the application of a choke hold. Although we do not teach these techniques we do discuss the concept.

- ✓ A suspect applying an airway/blood flow restriction to an officer's neck or throat can be considered as a deadly force encounter.
- ✓ An officer applying an airway/blood flow restriction to a suspect's neck or throat is considered as a use of deadly force.
- ✓ The HRCJTA recognizes that a choke hold applied properly may not be considered as a deadly force application universally, but the HRCJTA chooses to place the use of these type techniques at the deadly force level.

De-Escalation Technique Scenarios #1 and #2:

The HRCJTA provides instruction in the use of de-escalation techniques, and we also test students on their ability to utilize proper de-escalation.

An officer is dispatched to a "man with a knife" call. The officer observes a subject with a knife in plain sight while in their vehicle. The officer will transmit the basic information of the encounter, and suspect descriptors prior to exiting the vehicle. The officer will maintain appropriate distance, awareness, and obstacles (AOD), and utilize their verbal skills to attempt to de-escalate the encounter.

Potential Outcome One: The suspect has the knife in his hand and is agitated, but does not threaten the officer. The suspect refuses to drop the knife and stands their ground. If the officer approaches, or gets too close to the suspect the suspect raises the knife up and quickly approaches the officer. If the officer utilizes deadly force remediation is provided. The officer is advised that although the force may be legally justified, they may have some culpability due to poor tactics (officer induced jeopardy).

Potential Outcome Two: The suspect has the knife in their hand and is agitated, but does not threaten the officer. Based on the officer being tactically sound by utilizing awareness, obstacles, distance (AOD), and good verbalization skills the suspect follows the officer's commands. Deadly forced should not be used.

Note: The intent of this scenario is deadly force decision making, proper tactics, and the importance of de-escalating whenever possible. Evaluators are expected to instruct, and critique students in all areas that would be appropriate for deadly force, de-escalation, tactics & officer induced jeopardy.

An officer is dispatched to a hostage situation. The officer is evaluated on de-escalation techniques and is expected to perform utilizing the following techniques/concepts:

- ✓ The officer must maintain a safe position while communicating with the subject. (AOD)
- ✓ The officer contains the subject, and negotiates a safe surrender.
- ✓ The officer coordinated and established a perimeter.

- ✓ The officer evaluates if it is appropriate to evacuate nearby buildings.
- ✓ The officer utilizes good verbalization skills to calm the subject, attempts to identify the problem, delay the person from committing the act, and suggests available resources to assist the subject.
- ✓ The officer attempts to establish subject's needs, and issues.
- ✓ The officer negotiates a safe surrender to resolve the barricade situation.
- ✓ The officer will evaluate if the subject is a danger to self and/or others.
- ✓ The officer will complete the proper documentation of the event.
- ✓ The officer will utilize conflict management techniques.
- ✓ The officer will utilize all safety precautions.
- ✓ The officer will negotiate, mediate, and arbitrate the conflict.
- ✓ Tactics and officer induced jeopardy are discussed and emphasized.

Excessive Force Intervention:

This scenario is designed to expose the officer to a situation where a senior officer or partner clearly utilizes excessive force. The officer is expected to respond according to training that dictates a "duty to intervene". It is critical that the officer be present during the entire encounter rather than respond after the start of the incident. This allows the officer to assess the encounter with accurate information, rather than drawing conclusions.

During a police/citizen encounter, the suspect role player refuses to provide I.D. at the request of the Field Training Officer (FTO). The FTO becomes angry and attempts to arrest the citizen. The citizen refuses to follow verbal commands to place their hands behind their back. The FTO escalates to a use of physical force that is clearly unauthorized and excessive. The officer is expected to intervene and stop the application of force. If the officer handles this correctly, the FTO calms down and recovers their composure. If the officer does not intervene, the instructor stops the scenario and provides remediation on the "duty to intervene".

This Training Bulletin is intended to provide enough information for member agencies to show compliance with CALEA and VLEPSC standards. All related lesson plans are filed with the HRCJTA and available for review by our member agencies. The HRCJTA is willing to provide "hard copies" for pickup of lesson plans requested, if this TB does not provide enough relevant information.