

Basic Training Module Specifications

<u>Functional Area:</u>	IV. Police Skills
<u>Subject Area:</u>	C. Police Physical Skills
<u>Module Title:</u>	3. APPLICATION OF SUBJECT CONTROL
<u>Hours:</u>	Not less than 4 hours

Notes to Instructor:

These training objectives are to be used in conjunction with the MCOLES Subject Control Continuum (SCC). Trainees will need ready access to the continuum during the training.

Module Objectives:

Upon completion of this module, the officer will be able to:

IV.C.3.1. Demonstrate an Understanding of the Law as it Relates to the Use of Force.

- a. Identifies that in order for an officer to use force there must be a legal basis for the initial contact or intrusion.
- b. Describes that an officer's duty is to uphold the law and is not required to retreat from an arrest or confrontation situation by reason of resistance shown.
- c. Identifies that only that force (control methods) reasonably **necessary** to apprehend a suspect may be used (People v McCord, 76 Mich 200 (1889); Werner v Hartfelder, 113 Mich App 747 (1982)).
- d. Describes that force (control methods) must be used in an “**objectively reasonable**” manner in light of the facts and circumstances (Totality of the Circumstances) surrounding the officer, consistent with Graham v Connor, 109 S.Ct. 1865 (1989):
 - (1) defines reasonableness as being determined by:
 - (a) balancing the nature and quality of the intrusion with the need for governmental action;
 - (b) the severity of the crime at issue;

IV.C.3.1. Demonstrate an Understanding of the Law as it Relates to the Use of Force (continued).

- (c) whether the suspect poses an immediate threat to the safety of officers or others;
 - (d) whether the suspect is actively resisting arrest or attempting to evade arrest by flight;
 - (e) a reasonable officer on the scene, rather than 20/20 hindsight; and
 - (f) the fact that police officers are often forced to make split second judgments under circumstances that are tense, uncertain, and rapidly evolving; and
 - (2) identifies that the reasonableness of the use of force is judged at the moment the force was used.
- e. Describes deadly force as any force used by an officer (against another person) that has a reasonable probability to cause death.
- f. Describes non-lethal force as force used by an officer that will not reasonably be expected, or have the likely potential, to cause death.
- g. Identifies that deadly force may be used under the following conditions:
- (1) in self-defense when the officer has reason to believe he is in imminent danger of death or great bodily harm;
 - (2) in defense of another when the officer has reason to believe there is imminent danger of death or great bodily harm;
 - (3) to apprehend a fleeing felon where the officer has probable cause to believe that: (Tennessee v Garner, 105 S.Ct. 1694 (1985), Washington v Starke 173 MichApp 230 (1988)).
 - (a) the suspect has threatened an officer with a weapon; **or** the officer has probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm;
 - (b) the use of deadly force is necessary to prevent the suspect's escape; and
 - (c) if feasible, some warning has been given.
 - (4) on other occasions covered by departmental policy (e.g., shoots injured animals).
- h. Describes departmental policy as also defining the circumstances where force may be used.

IV.C.3.2. Demonstrate an Understanding of the MCOLES Subject Control Continuum (SCC).

- a. Defines the terms listed on the Continuum:
- (1) **Active Aggression** - Physical actions/assaults against the officer with less than deadly force (e.g., advancing, challenging, punching, kicking, grabbing, wrestling, etc.).
 - (2) **Active Resistance** - Any action by a subject that attempts to prevent an officer from gaining control of the subject. (e.g., pulling/pushing away, blocking, etc.).
 - (3) **Compliance Controls** - Soft Empty Hand Techniques (e.g., joint lock, pressure points, etc.); Compliance Control Devices (e.g., Do-Rite, baton, Kubotan, PR-24, etc., **when used as a compliance control device rather than as an impact weapon**).
 - (4) **Control** - is established when the subject's unlawful action(s) are neutralized and no longer pose a threat to the officer, himself, and/or others.
 - (5) **Deadly Force Assault** – Any force used by a subject (against an officer or another person) that may result in great bodily harm or the loss of human life.
 - (6) **Deadly Force Response** – Any force used by an officer (against another person) that has a reasonable probability to cause death.
 - (7) **De-escalation of Force** - is the officer's decreased control response to a subject's decreased level of resistance or aggressive action (This does not mean to imply the officer must ease all control. Control must be maintained at an appropriate level).
 - (8) **Escalation of Force** - is the officer's increased reasonable and necessary control response to a subject's increased level of resistance or aggressive action when the level of force being used is insufficient to stop or control the resistance or aggressive action.
 - (9) **Force** - is the attempt to establish control through physical means, in the presence of resistance.
 - (10) **Inactive Resistance** - Resistance that may include psychological intimidation and/or verbal resistance. (e.g., blank stare, clenching of fist(s), tightening of jaw muscles, etc.).
 - (11) **Intermediate Controls** - Intermediate Weapons (i.e., impact weapons).
 - (12) **Objective Reasonableness** - is the officer's action consistent with the actions another officer would take given the same circumstances.
 - (13) **Officer Presence/Verbal Direction** - Identification of Authority (i.e., uniformed presence, or identification as a police officer) Verbal Direction (e.g., for arrest or to control subject's movements) Use of Restraint Devices (e.g., Compliant Handcuffing).

IV.C.3.2. Demonstrate an Understanding of the MCOLES Subject Control Continuum (SCC) (continued).

- (14) **Officer Response** - Is the officer's lawful action taken to gain control of a subject whose unlawful actions create a dangerous situation for the officer or others, or the subject is attempting to defeat the officer's attempt to gain control.
- (15) **Passive Resistance** - Any type of resistance whereby the subject does not attempt to defeat the officer's attempt to touch and control the subject, but still will not voluntarily comply with verbal and physical attempts of control. (e.g., dead weight, doesn't react to verbal commands, etc.)
- (16) **Physical Controls** - Hard Empty Hand Techniques (e.g., strikes, take downs, etc.)
- (17) **Subject Action** - Unlawful actions (verbal or physical) taken by a subject to defeat an officer's attempt to gain control of the subject during an arrest or confrontational situation. **The subject's action, combined with the totality of circumstances, determines the officer's response.**
- (18) **Totality of Circumstances** - All the facts and circumstances confronting the officer, at the time the force is used. These include, but are not limited to:
 - (a) type of crime committed or attempted,
 - (b) relative size/stature of subject(s),
 - (c) exigent conditions: number of officers on scene, number of subjects involved, and availability of back-up;
 - (d) relative strength;
 - (e) subject(s) access to weapons;
 - (f) subject(s) under the influence of alcohol or drugs;
 - (g) exceptional abilities/skills (e.g., martial arts);
 - (h) injury to, or exhaustion of, the officer;
 - (i) weather or terrain conditions;
 - (j) immediacy of danger;
 - (k) distance from the subject;
 - (l) special knowledge (e.g., subject's prior history of violence, etc.);
 - (m) reaction time: the officer must consider that action is faster than reaction, thus the officer must pay attention.
 - (n) reactionary gap: officers should be cognizant of and utilize a reactionary gap during all police/subject contacts. The reactionary gap is defined as a safety zone between the officer and subject which affords the officer more time to react to aggression:
 - (i) the minimum distance is six to eight feet;
 - (ii) the minimum distance increases significantly when the subject possesses a weapon (e.g., edged weapon, impact weapon, etc.);
 - (iii) the officer generally has two "Reactionary Options" available:
 1. penetrate the gap to attempt control; or
 2. disengage to create distance.

IV.C.3.3. Demonstrate an Understanding of the Relationship Between the Use of Force and the MCOLES Subject Control Continuum (SCC).

- a. Identifies the Continuum as a general training guideline for controlling subjects in arrest or confrontation situations.
- b. Describes the Continuum as graphically displaying that the escalation or de-escalation of resistance by a subject can be sudden and:
 - (1) that resistance and response are dynamic;
 - (2) the subject's action and the officer's use of force to control it may fluctuate through out the continuum during any encounter;
 - (3) the officer's appropriate response may occur anywhere along the continuum which represents an **objectively reasonable** response to the perceived threat (subject's action(s));
 - (4) the subject's action(s) is the driving force that dictates the officer's response;
 - (5) that all the facts and circumstances (Totality of Circumstances) known to the officer at the time, will affect the officers response;
 - (6) that as the subject's action(s) become more resistant or aggressive (violent):
 - (a) the officer's response must be sufficient enough to gain control or prevent injury or death to the officer;
 - (b) the officer's use of force must be in proportion to the threat perceived by the officer;
 - (c) the officer's options for control of the subject become limited;
 - (d) the potential for injury to the officer, subject, and others increases; and
 - (e) the immediacy of a decisive and appropriate response is critical.
 - (7) that as the subject's action(s) ceases and/or resistance is reduced:
 - (a) the officer must still gain and maintain control;
 - (b) the officer must reduce the amount of response force used proportionally; and
 - (c) the officer must be alert and ready to respond to any attempt by the subject to escalate resistance or assault the officer or others.
 - (8) that all officer response controls available at the lower end of the continuum are still available as the subject's action escalates;
 - (9) that the majority of officer-subject contact is not depicted on the continuum in that:
 - (a) most subject arrests are completed through verbal direction (there is **no resistance** by the subject) and the application of handcuffs; and
 - (b) most officer-subject confrontations where an arrest is not made are resolved peacefully; and
 - (10) that the majority of officer-subject contacts which involve subject resistance occur at the lower end (light shaded area) of the continuum.

IV.C.3.4. Demonstrate an Understanding of the Decision-Making Process Required to Use the Appropriate Amount of Force in Gaining Control of a Subject.

- a. Assesses the situation by considering the Totality of Circumstances.
- b. Plans for an appropriate response:
 - (1) where reaction time may be very limited (split second):
 - (a) through training, and
 - (b) mental preparation (situation rehearsals).
 - (2) where there is time to analyze and formulate a plan of response.
- c. Takes appropriate response action.

IV.C.3.5. Demonstrate an Understanding of the Concept of Control.

- a. Identifies that control is established when:
 - (1) the subject's resistive or aggressive actions are neutralized; and
 - (2) the subject no longer poses an immediate threat to the officer, himself, or others.
- b. Identifies that control is composed of two elements:
 - (1) the officer must be able to control a subject's actions, and
 - (2) the officer must be in complete control of his/her own emotions and actions because:
 - (a) fair, coolheaded behavior can significantly reduce danger and de-escalate a situation, whereas.
 - (b) arrogant, insensitive officer behavior invites hostility and danger and can escalate a situation.
- c. Identifies that self-control is the result of:
 - (1) confidence in the officer's skills and abilities,
 - (2) training, and
 - (3) practice.
- d. Identifies the officer's responsibility to intervene in situations where a fellow officer's actions:
 - (1) indicate a loss of self-control and/or
 - (2) the use of force is not proportional to the level of resistance encountered (e.g., "street justice").
- e. Identifies that first aid and/or medical treatment may be needed for any person who has a visible injury, complains of an injury, or has been exposed to a chemical agent (e.g., OC spray, CN, CS, etc.) or other less lethal weapons (e.g. electrical device, impact projectile system, etc.) during an arrest/confrontation situation.

IV.C.3.5. Demonstrate an Understanding of the Concept of Control (continued).

- f. Demonstrates an understanding of conditions or procedures that may be associated with sudden in-custody deaths by:
 - (1) using restraints and/or procedures that will not place the subject in a position where breathing will be dangerously impaired (e.g., head down with chin on chest, **transporting subject on stomach**, etc.). Although there is a degree of disagreement amongst the medical community on whether “positional asphyxia” causes in-custody deaths, it may be prudent to limit the use of techniques (e.g., hog-tying) that may restrict breathing. In the event there is no other alternative to using the technique, an officer should be assigned to **continually monitor** the welfare of the subject;
 - (2) recognizing the signs and symptoms that may be associated with sudden in-custody deaths (e.g., bizarre, aggressive behavior, shouting, paranoia, panic, violent behavior, use of drugs and/or alcohol, unexpected physical strength, obesity, sudden tranquility, ineffectiveness of chemical agents, etc.);
 - (3) carefully monitoring subjects who have been taken into custody, and upon whom force was used;
 - (4) being alert to the subject’s position when monitoring their condition (get the subject upright or at least on his/her side.), and check for labored breathing, signs of incoherency, functional consciousness (get the person talking), and hyperventilation. If the subject starts to look very sick, states he cannot breathe or complains of being sick, emergency medical treatments should be sought.
 - (5) seeking medical assistance when appropriate.

IV.C.3.6. Write a Report That Documents the Officer’s Use of Force.

- a. Identifies that a well written report documenting the use of force is the officer’s best defense against excessive force claims.
- b. Utilizes the MCOLES Continuum as a guide while writing a use of force report to:
 - (1) ensure that all of the circumstances surrounding the use of force are described, and
 - (2) consistent and correct terminology is used.

IV.C.3.6. Write a Report That Documents the Officer's Use of Force (continued).

- c. Writes the use of force report in accordance with objective II.D.1.5. and includes the following information in detail:
 - (1) the legal basis for the contact or intrusion (lawful authority).
 - (2) the Totality of Circumstances (refer to I.A.1.2.a.(18)) which includes, but is not limited to:
 - (a) the exact description of the original call or reason for contact or intrusion;
 - (b) the subject's action or behavior (including statements),
 - (c) the subject's use of, or access to weapons;
 - (d) the officer's response (e.g., verbal commands, soft empty hand controls, etc.) to control the subject's action;
 - (e) the effectiveness of the control method(s) used; and
 - (f) the subject's response to the officer's attempt at control.
 - (3) Documents in detail any observable injuries, or complaints of injury(ies) to the officer and/or subject by:
 - (a) describing how and when the injury(ies) occurred and the:
 - (i) medical treatment required;
 - (ii) location (e.g., at scene, hospital, etc.) of the medical treatment;
 - (iii) attending medical personnel (e.g., paramedic, nurse, doctor, etc.);
 - (iv) time elapsed between injury and treatment; and
 - (b) photographing the injury(ies).
 - (4) Documents damage to equipment (e.g., uniform, watches, glasses, patrol car, other property, etc.) that resulted from the subject's actions.

IV.C.3.7. Demonstrate an Understanding of the Liability Attached When Officers Use Force to Control a Subject.

- a. Describes that there is a public trust attached to a police officer in that the people expect officers to:
 - (1) be competent in the performance of their duties;
 - (2) serve the public good, not act for personal gain;
 - (3) perform in a non-discriminatory manner and not give preferential treatment;
 - and
 - (4) treat people fairly and not abuse the power of the position.
- b. Identifies that society places a tremendous responsibility on law enforcement officers by granting them permission to use force, up to and including deadly force. (See II.B.1.1.d., pg II-10, Basic Training Curriculum)
- c. Identifies that the general public supports officers in the use of force to effect an arrest or control subjects by:
 - (1) expecting officers to respond with that force reasonably necessary to control the subject; and
 - (2) expecting officers to protect themselves and others from injury or assault.

IV.C.3.7. Demonstrate an Understanding of the Liability Attached When Officers Use Force to Control a Subject (continued).

- d. Describes the following formal sanctions that could result from the use of unreasonable force:
 - (1) verbal reprimand,
 - (2) written warning,
 - (3) suspension,
 - (4) dismissal,
 - (5) criminal charges,
 - (6) civil liability (Personal and Agency)
 - (7) U.S. Federal (1983) Civil Rights Violation.

- e. Identifies the officer’s liability if he/she fails to intervene in situations where a fellow officer’s actions:
 - (1) indicate a loss of self-control and/or
 - (2) the use of force is not proportional to the level of resistance encountered (e.g., “street justice”).

- f. Reviews MCL 15.391 – 15.395; Disclosures by Law Enforcement Officers Act. Also, Garrity v New Jersey, 385 US 93(1967).

- g. Describes the best methods to comply with Tennessee v Garner, 105 S.Ct. 1694 (1985) , City of Canton, Ohio v Harris, 109 S. Ct. 998 (1989), and Graham v Connor, 109 S.Ct. 1865 (1989) as:
 - (1) having a valid and up-to-date use of force policy;
 - (2) reading and understanding the use of force policy;
 - (3) reviewing the policy on an annual basis;
 - (4) receiving adequate training in the control method(s) employed (e.g., firearms, chemical agents, impact weapons, etc.); and
 - (5) receiving frequent updates relative to the emerging application of Garner, Canton, and Graham.

Module History:

Revised	4/06
Revised	12/07
Revised	1/10
Revised	2/16