

Potential Talking Points:

- UOF is of the most serious of disciplines along with driving – highest responsibility
- Courts & Community have determined policy and standards – legislation is difficult to change when courts and communities move to change
- Current POWER Points – academic portions only (UOF&T 257/293) Deadly Force (52) not including psychomotor skills hours (approximately 120 hours combined for UOF&T & Deadly Force) Sections include (stress/perception and human body reactions & how they relate to training, reasonable application of force, medical implications of force, aggressive dogs, OC, baton control devices, edged weapons, report writing)
- Graham vs. Connor 1989 (UOF is a Seizure 4th Amendment) - Four Prongs of Graham (crime, immediate threat, active resistance tense uncertain and rapidly evolving + Perceptual Factors)
- Coll vs. Johnson & the City of Rutland 1993
- UOF Model Compares to Driving
- Least/Minimum/Necessary
- AOJ standard for deadly force
- Is there a conflict potential with 13 VSA 2305?
- Define Serious Bodily Injury in policy
- Mention Firearm only for deadly force - why?
- Quantum of Force/Risk Benefit Standard (*)
- Imminent/Immediate – synonymous?
- Section Five - Subjective (quantum of force principles)
- Quantum of Force (foreseeable injuries, least injurious reasonable options)
- Fleeing Felon – Tennessee vs. Garner (PC violent felony, PC if allowed to escape, Necessity of Warning, Exhausted other means of capture)
- Making an arrest is not the only reason for custody (arrest, Incapacitation, Investigative Detention for Safety) – only legally acceptable reason is to facilitate control once established the force must end
- De-escalation doesn't just mean no fight in how we teach

Quantum of Force/Risk Benefit Standard (Time)

- An immediate threat of harm / injury or
- Fleeing or flight risk from serious offense
- Officer consider necessity of warning
- Be aware of foreseeable risks of secondary injury, especially falls from heights or on hard surfaces

4th Amendment Risk / Benefit Standard:

“[I]n judging whether [officer’s] actions were reasonable, we must consider the risk of bodily harm that [officer’s] actions posed to [suspect] in light of the threat to the public that [officer] was trying to eliminate.”

(*Scott v. Harris*, 550 U.S. 372, 383 (2007))

Court may consider "the availability of [less injurious] alternative methods of capturing or subduing a suspect." (*Smith v. City of Hemet*, 394 F.3d 689, 701 (9th Cir.2005))

Court may consider what officers knew about the suspect's health, mental condition, or other relevant frailties. (*Deorle v. Rutherford*, 272 F.3d 1272, 1282-83 (9th Cir. 2001); *Franklin v. Foxworth*, 31 F.3d 873, 876 (9th Cir.1994))