Potential Talking Points:

- UOF is of the most serious of disciples 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))