Use of Force 3-3

Force Type, Intermediate Force, Case Reviews, Obstructing, Investigative Detentions, Involuntary and Protective Custodial Detentions,

1

3 Types of Force

Force

Intermediate Force

Deadly Force

2

Force

Force may include that force which is not intermediate or deadly such as follows:

Presence

Verbal Commands/Orders

Display of Force Option (Elevated Level of Presence)

Touching (Escort position, directing movement, guidance)

Handcuffing

Takedowns

Counter Joint Techniques

The upper region of "force", meets the CJTC definition of "physical force" which is;

Any technique or tactic reasonably likely to cause transient pain and/or injury.

3

Intermediate Force and Intermediate Force Options

- Intermediate force is that force which is between force and deadly force.
- Intermediate force may be reasonably likely to cause transient pain and/or injury.
- Articulation of immediate threat must be satisfied for the use of intermediate force. (Young v. County of L.A.)
- Governmental Interest, Level of Intrusion, and Quantum of Force all work together in determining use of any force to include intermediate force.

4

Young v. County of Los Angeles

- This case arises from a traffic stop for a seatbelt violation in which Los Angeles County Sheriff's Deputy Richard Wells pepper sprayed Mark Anthony Young and struck him with a baton after Young exited his vehicle and disobeyed Wells's order to reenter it.

- At approximately 10:22 a.m. on a February morning in 2007, Young, a 46–year–old African–American probation officer, was driving his truck to the gym, wearing workout clothes and enjoying a snack of broccoli and tomato, when Deputy Wells pulled him over for driving with an unfastened seatbelt.

- Young provided Wells with his driver's license and proof of insurance but was unable to immediately find his vehicle registration. Wells told Young to continue searching for the registration and returned to his motorcycle to begin writing Young's citation.

5

Young v. County of Los Angeles

- When Young found his registration, he exited his truck carrying both the registration and his vegetables, walked to Wells's motorcycle, and handed Wells the registration.

- Wells took the registration and ordered Young to “just have a seat in the truck.” Young declined to do so, stating, “I don't feel like sitting in my truck, man.” Instead, Young walked past his truck, sat on the sidewalk curb, and resumed eating his broccoli. The exchange between Wells and Young continued:

6

Young v. County of Los Angeles

- Young contends that shortly afterwards, while he was still sitting on the sidewalk curb, Wells approached him from behind and pepper sprayed him. The audio transcript of the stop suggests Young was unaware he was about to be pepper sprayed:

- Wells does not argue on this appeal that Young posed any physical threat to him prior to his use of pepper spray, nor that he reasonably or unreasonably feared such a threat.

- Wells continued to pepper spray Young as he rose to his feet and attempted to back away from the pepper spray. Young protested, repeatedly telling Wells, "I'm an officer of the law." Young asserts that Wells responded to his protests by drawing his baton, striking him a number of times with it, and ordering him to get on the ground.

- Wells asserted in his motion for summary judgment that he struck Young with the baton because he "believed that [Young] was trying to gain a position of advantage over [him], from which position he could then launch an assault," and that he "believed that [Young] was about to throw the broccoli at [him] in order to cause a distraction before assaulting him." However, on this appeal, Wells makes no claim that his decision to strike Young with a baton was motivated by safety concerns.

7

Young v. County of Los Angeles

- Despite being struck, Young did not immediately get on the ground, and continued to object to Wells's use of force, saying, for example, "I'm not going to let you hit me another time," and "How you going to pepper spray me?" At this point, a second sheriff's deputy, Michael Berk, arrived on the scene, and, like Wells, ordered Young to lie on the ground.

- Young did so, and Berk handcuffed him and placed his knee on his back. Young contends that after he lay on the ground, Wells struck him with a baton again. As he lay handcuffed on his stomach with Officer Berk on his back, Young complained that Berk had handcuffed him too tightly, to which Berk responded, "Well, you know what, that's part of not going along with the program."

- Young continued to complain vocally about Wells's use of force, stating that his eyes were burning from the pepper spray, that he had not been warned prior to Wells's use of the spray, and that, "You cannot pepper spray nobody. You cannot just pepper spray nobody, officer." Berk replied to this last statement by saying, "If you keep getting agitated, I'm going to pepper spray you."

- Young asked to be allowed to stand up and to have his handcuffs loosened; Berk stated that "until you calm down, I ain't going to help you." After several minutes in which Young strenuously objected to his treatment—in particular, to the fact that Berk continued to press his knee into his back—the officers allowed Young to stand and placed him in the back of Berk's police car.

8

Young v. County of Los Angeles

- Young filed suit against both Wells and the County of Los Angeles in the Central District of California, and the district court granted summary judgment for the defendants on all counts.

- "Summary Judgement" is a judgement entered by a court (in this instance the District Court) for one party and against another party without a full trial. (In this instance, summary judgement was granted to the defendants/officers).

- Young appeals the district court's grant of summary judgment to Wells on his excessive force claim. Summary judgment is appropriate here only if, taking the facts in the light most favorable to Young, a reasonable jury could not find that "the officer's conduct violated a constitutional right[.]" Saucier v. Katz, 533 U.S. 194, 201, 121 S.Ct. 2151, 150 L.Ed.2d 272 (2001).

9

Young v. County of Los Angeles

- Claims for excessive force are analyzed under the Fourth Amendment's prohibition against unreasonable seizures using the framework articulated in Graham v. Connor, 490 U.S. 389 (1989).

- The reasonableness of a seizure turns on "whether officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them," id. at 397, which we determine by balancing "the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake," id. at 396 (quoting Tennessee v. Garner, 471 U.S. 1, 8, 105 S.Ct. 1694, 85 L.Ed.2d 1 (1985).

- In conducting the balancing required by Graham, we first "assess the gravity of the particular intrusion on Fourth Amendment interests." Miller v. Clark County, 340 F.3d 959, 964 (9th Cir.2003).

- Second, we "assess the importance of the government interests at stake." Id.

- Finally, we "balance the gravity of the intrusion on the individual against the government's need for that intrusion to determine whether it was constitutionally reasonable." Id.

10

Nature and Quality of the Intrusion

- Both pepper spray and baton blows are forms of force capable of inflicting significant pain and causing serious injury. As such, both are regarded as "intermediate force" that, while less severe than deadly force, nonetheless present a significant intrusion upon an individual's liberty interests. See Smith v. City of Hemet, 394 F.3d 689, 701–02(9th Cir.2005); United States v. Mohr, 318 F.3d 613, 623 (4th Cir.2003).

- Pepper spray "is designed to cause intense pain," and inflicts "a burning sensation that causes mucus to come out of the nose, an involuntary closing of the eyes, a gagging reflex, and temporary paralysis of the larynx," as well as "disorientation, anxiety, and panic." Headwaters Forest Defense v. County of Humboldt, 240 F.3d 1185, 1199–1200(9th Cir.2000)

- A police officer's use of baton blows, too, presents a significant use of force that is capable of causing pain and bodily injury, and therefore, baton blows, like pepper spray, are considered a form of "intermediate force." Mohr, 318 F.3d at 623.

- In pepper spraying Young and striking at him multiple times with a baton while landing at least two blows, Wells used a significant amount of two forms of intermediate force known to cause serious pain and to lead in some cases to serious physiological consequences. Whatever such force is ultimately labeled, there is no question that its use against an individual is a sufficiently serious intrusion upon liberty that it must be justified by a commensurately serious state ***(Governmental)*** interest.

11

Governmental Interest

- In evaluating the government's interest in the use of force we look to:

- (1) the severity of the crime at issue,

- (2) whether the suspect posed an immediate threat to the safety of the officers or others, and

- (3) whether the suspect was actively resisting arrest or attempting to evade arrest by flight." Miller, 340 F.3d at 964.

- However, our inquiry is not limited to these factors. Rather, recognizing that "the facts and circumstances of every excessive force case will vary widely," Forrester v. City of San Diego, 25 F.3d 804, 806 n. 2 (9th Cir.1994) our ultimate inquiry addresses "whether the totality of the circumstances justifie[s] a particular sort of seizure," Garner, 471 U.S. at 8–9.

- Of the three factors we traditionally examine in determining the governmental interest, the most important is whether the individual posed an immediate threat to officer or public safety. Smith, 394 F.3d at 702.

12

Governmental Interest

- Young's failure to wear a seatbelt was a run-of-the-mill traffic violation that clearly provided little, if any, support for the use of force upon him. See Bryan, 630 F.3d at 828 ("Traffic violations generally will not support the use of a significant level of force.") (citing Delville v. Mercantel, 567 F.3d 156, 167 (5th Cir.2009)). And while disobeying a peace officer's order certainly provides more justification for force than does a minor traffic offense, such conduct still constitutes only a non-violent misdemeanor offense that will tend to justify force in far fewer circumstances than more serious offenses, such as violent felonies.

- ("While the commission of a misdemeanor offense is not to be taken lightly, it militates ***(weighs)*** against finding the force used to effect an arrest reasonable where the suspect was also nonviolent and posed no threat to the safety of the officers or others.") (quoting Headwaters I, 240 F.3d at 1204)

- When, as here, a suspect's disobedience of a police officer takes the form of passive noncompliance that creates a minimal disturbance and indicates no threat, immediate or otherwise, to the officer or others, it will not, without more, give rise to a governmental interest in the use of significant force.

13

Governmental Interest

- In addition to the three factors that we traditionally consider in evaluating the governmental interest in a given use of force, all of which weigh in favor of a determination that the government had a minimal interest in the use of significant force, Wells urges that after Young refused the order to reenter his truck, his "only options were to abandon his attempt to get [Young] to comply with his lawful order or to resort to force."

- The record in this case would not compel a reasonable jury to accept Wells's position that if he had not used force at the moment he did, he would have had no alternative but to acquiesce in Young's disobedience of his order. Wells had a variety of less intrusive options at his disposal when Young refused his orders:

14

Balancing Interest and Intrusion

- We conclude our analysis of whether the force used by Wells was reasonable by balancing "the gravity of the intrusion on the individual against the government's need for that intrusion." Miller, 340 F.3d at 964. The intermediate force used by Wells indisputably constituted a significant intrusion upon Young's liberty interests.

- First, the "immediate threat to safety of the officer or others," Miller, 340 F.3d at 964, was negligible:

- Second, the crimes involved in Young's traffic stop were non-violent misdemeanors committed in a manner that gave no indication of dangerousness to Wells or others, and thus not sufficiently "severe" to justify the use of significant force.

- Finally, Young was not actively resisting arrest or attempting to flee.

- Having determined that the force allegedly used against Young was significant and that the governmental interest in the use of that force minimal, we conclude that, taking the facts in the light most favorable to Young, the force used by Wells was excessive in violation of the Fourth Amendment.

15

Conclusion

- However, we reverse with respect to Young's claim alleging excessive force in violation of the Fourth Amendment. He asserts facts that amount to a textbook violation of his Fourth Amendment rights: the use of significant force without warning against an individual who committed only minor misdemeanors; who posed no apparent threat to officer or public safety; and who was not seeking to flee, even though a variety of less intrusive alternatives to the use of such force was available.

16

Intermediate Force and Intermediate Force Options

- Intermediate Force examples of;
- Personal/Bodily Impact Options (Hands, Elbows, Knees, Shins, Feet, etc.)
- Oleoresin Capsaicin (OC) To include extended range delivery system of OC…i.e. Pepper ball delivery system
- Batons/Impact Weapons to include batons and extended range delivery system. ***(An impact weapon's primary function is that of leverage and control. Strikes to the body below the neck and avoidance of the spinal region would be included in intermediate force usage, and to that end, as a last resort option for that tool).***
- ***(Any intentional strikes to the neck or above to include the spine with an impact weapon is considered deadly force).***
- Taser (CEW) In either drive-stun or probe mode.

17

HB-1054 "CHOKEHOLD" & "NECK RESTRAINT"

"Chokehold" refers to any tactic in which direct pressure is applied to a person's trachea or windpipe or any other tactic intended to restrict another person's airway. (HB-1054)

"Neck Restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.

18

HB-1054 NEW SECTION. Sec. 2.

(1) A peace officer may not use a chokehold or neck restraint on another person in the course of his or her duties as a peace officer.

(2) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this section.

PROHIBITED

(3) For the purposes of this section:

(a) "Chokehold" refers to any tactic in which direct pressure is applied to a person's trachea or windpipe or any other tactic intended to restrict another person's airway.

(b) "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.

19

Intermediate Force

- Intermediate force is not a monolithic category;
- It is not a solid-state, intractably indivisible category, meaning; it makes a difference what force option is used in relation to Quantum of Force coupled with Governmental Interest.
- Although historically "intermediate force" has been viewed as under one umbrella or category, it is false to think that if an officer can use OC as a force option, it is therefore necessary or reasonable to use an elbow to an individual's nose under the same circumstances.
- Quantum of force would guide us in this regard by asking the question; ***Which option is least potentially injurious?***
- Governmental Interest would guide us in this regard by asking the question; ***How compelling is this situation?***
- The courts have also determined that the use of a Taser in drive-stun is a less-intrusive utilization of that tool as opposed to probe mode which carries with it the potential for secondary injury based upon neuromuscular incapacitated induced freefall.

20

Independent Articulation

- Regardless of the intermediate force option used, each independent use must be articulated by the officer as each is considered a separate use of force.
- Each bodily impact weapon strike (hands, fists, elbows, knees; shin, etc.) must be independently articulated and meet the necessary standard in Washington State;
- Each baton strike must meet the necessary standard in Washington State;
- Each press of the Taser trigger must meet the necessary standard in Washington State;
- Time between force application is also a factor. Does the time between application(s) give adequate time for the individual to respond to commands and comply?

21

Bryan v. MacPherson

- Bryan was a twenty-one-year-old male stopped by Officer MacPherson for driving without a seat belt.
- Officer MacPherson approached the car, told Bryan to turn down the radio, and asked him if he knew why he was stopped.
- Bryan turned the radio down, but just stared ahead without answering. MacPherson told Bryan to pull to the side of the road. Bryan did so but began to pound the steering wheel and curse.
- Clad only in boxer shorts and tennis shoes, Bryan got out of the car. Frustrated and upset about the pending ticket, Bryan yelled gibberish, expletives, and hit his thighs.
- Officer MacPherson tased Bryan.
- MacPherson shot Bryan without warning, and from about twenty, to twenty-five feet away. One of the darts hit Bryan in the back. Bryan fell to the pavement, shattering his front teeth.

22

Bryan v. MacPherson

- The Ninth Circuit held that the force was excessive and that reasonable, less intrusive options were available.
- Backup was on its way and there were insufficient facts that could lead a reasonable officer to believe that Bryan was an immediate threat.
- Bare chested and wearing only boxer shorts, he did not appear to be armed.
- One of the darts lodged in Bryan's back, suggesting that he was facing away from MacPherson.
- While Bryan's behavior could lead a reasonable officer to be wary, under these facts they did not support a belief that Bryan posed an immediate threat.
- In Bryan there was no articulable threat.

23

Beaver v. City of Federal Way

- In Beaver v. City of Federal Way there was an articulable threat, at least initially, but the threat began to diminish after the first tasing.
- Beaver was a burglary suspect. The responding officer saw Beaver at the scene, ordered him to stop, and Beaver fled, the taser brought Beaver to an abrupt halt.
- But the first tasing was not the problem.
- Once down, the officer ordered Beaver in a loud voice to rollover on his stomach. Sixteen seconds after the first, Beaver was tased a second time, when he tried to get up.
- Before the second - and after each additional tasing - the officer commanded Beaver in a loud voice to rollover on his stomach and extend his arms. Beaver did not immediately comply, and two seconds after the second tasing, he was tased a third time.

24

Beaver v. City of Federal Way

- Then a back-up officer arrived, but conflicting commands – one for Beaver to lie on his stomach and another to lie on his back – were given by the two officers. Beaver suffered the consequences, and ten seconds after the third tasing, he was tased a fourth time.
- At this point, the two officers stood over Beaver.
- Beaver lay on the ground. He was on his stomach. However, his arms were curled underneath his chest.
- There were no conflicting commands by the officers about Beaver's arms, and twenty-two seconds after the fourth tasing, Beaver was tased for a fifth, and final time. He extended his arms, as ordered, and was handcuffed.

25

Beaver v. City of Federal Way

- The court looked at each tasing and found that the first three were reasonable.
- Beaver was suspected of burglary. He fled when the officer ordered him to stop. A reasonable officer could believe he was under the influence of drugs because he showed no signs of comprehension;
- His veins were bulging; he was sweating; and the officer said, "he had that far off look."
- He was also a big man – about six feet tall and heavy-set – or about the same size as the officer who tased him. He was attempting to get up. And the officer was alone, at least initially.

26

Beaver v. City of Federal Way

- But the analysis changed when the backup officer arrived.
- The court stated, "To the extent that Beaver posed an immediate threat to [the responding officer] during the first three tasings, that threat was significantly diminished when [the backup officer arrived]."
- When backup arrived, the officers had reasonable, less intrusive options.
- Instead of tasing Beaver, one officer could hold the taser - in the ready - while another went in with handcuffs.

27

Brooks v. City of Seattle

- In Brooks v. City of Seattle, for example, the court held that tasing a pregnant woma three times in less than one minute was excessive.
- Ms. Brooks was arrested after she refused to sign a traffic citation for speeding but refused to get out of her car.
- Three officers were on the scene.
- One of them showed Brooks his taser and asked if she knew what it was.
- She said that she did not but added that she was pregnant and "I'm…less than sixty days from having my baby."

28

Brooks v. City of Seattle

- The pregnancy was a big concern for the officers, and as one officer continued to display the taser, another asked, "well, where do you want to do it?"
- The other said, "well, don't do it in the stomach; do it in her thigh."
- An officer attempted to physically remove Brooks by twisting her arm up behind her back, but she stiffened her body and clutched the steering wheel to frustrate the officer's attempt.
- At this point, the officer cycled the taser, showing Ms. Brooks what it did.

29

Brooks v. City of Seattle

- Twenty-seven seconds after the officer cycled the taser, and with one of the officers still holding her arm behind her back, she was tased in the thigh.
- Thirty-six seconds later, the officer applied the taser to her left arm. Six seconds later, she was tased in the neck.
- The court focused on what it called two salient factors.
- The first was Brooks' pregnancy.
- The second was that three tasings in such rapid succession did not give her time to recover from the extreme pain she experienced, gather herself, and reconsider her refusal to comply.

30

Headwaters v. County of Humboldt

- In Headwater v. Co. of Humboldt, the Ninth Circuit held that OC was not necessary, but excessive.
- Headwaters concerned three nonviolent protests against the logging of ancient redwood trees in the Headwaters Forest.
- The plaintiffs linked themselves together with self-releasing lock-down devices, sat-down, and refused to leave.
- The protests were not new to the officers. Previously, officers had used electric grinders to safely remove the lock-down devices, and protestors, in a matter of minutes.
- And the officers did so without causing pain or injury to anyone.

31

Headwaters v. County of Humboldt

- In Headwaters, and apparently without any reasonable explanation, the officers decided to use OC.
- The officers warned the protestors that OC would be used if they did not release themselves from the lockdown devices and leave.
- When they refused, the officers applied the OC directly to their eyes with Q-tips.

32

Headwaters v. County of Humboldt

- If the protestors could be removed safely without OC before, why was the OC necessary this time?
- This is not a situation where the officer is forced to make split-second decisions with dangerous suspects, as was the case in Beaver.
- The officer has plenty of time to determine whether the action is necessary.

33

Terry v. Ohio, 392 U.S. 1 (1968)

- Under the Fourth Amendment of the U.S. Constitution, a police officer may stop a suspect on the street and frisk him or her without probable cause to arrest, if the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person "may be armed and presently dangerous."
- Under the Terry decision, officers have the authority to stop an individual, detain them under reasonable suspicion of crime being afoot (is occurring, has occurred, about to occur)

34

Washington State, Terry Stops, and Use of Force

- NEW SECTION. **Sec. 3.** (1)(a) Except as otherwise provided under this section, a peace officer may use physical force against another person when necessary to effect an arrest, prevent an escape as defined under chapter 9A.76 RCW, or otherwise protect against an imminent threat of bodily injury to the peace officer or another person.

35

Washington State, Terry Stops, and Use of Force

- The CJTC's interpretation of HB-1310 in regard to using physical force to effect or compel investigative detentions (Terry Stops) is as follows;
- Officers do not have legal authority to use "physical force" to effect or compel an investigative detention. To use physical force, an officer in Washington State must either;
- Articulate probable cause for crime, and/or;
- Prevent an escape as defined under R.C.W.9a.76, and/or:
- Protect against an imminent threat of bodily injury to the officer or another (physical force use) imminent threat of serious physical injury or death to the officer or another (deadly force use).
- Display of force option, handcuffing (volitional),escorting do not meet the CJTC's definition of physical force.

36

Washington State, Terry Stops, and Use of Force

Officers may initiate an investigative detention under reasonable suspicion;

Reasonable Suspicion means;

> ***Particularized, articulable facts and circumstances that would lead a reasonable officer to believe that criminal activity is afoot. (Mere suspicion is not a crime. The officer must base reasonable suspicion on crime, i.e. the officer must have general yet articulable crime in mind, i.e. burglary theft, assault, etc.)***

37

Washington State, Terry Stops, and Use of Force

- The CJTC's interpretation of HB-1310 in regard to flight from an investigative detention and the use of physical force to compel a seizure, minus any probable cause for crime, prevention of an escape as defined under R.C.W. 9a.76, or any articulation of immediate threat to the officer or another is to either;

- Use no physical force to compel an investigative detention (Terry Stop), continue the course of the investigation to determine if probable cause exists;

- Monitor/observe subject, continue investigation until or if probable cause can be determined; ***(Only if there are resources available to do so safely, i.e. abiding by the 5 overarching principles as instructed in Patrol Tactics).***

38

Obstructing A Law Enforcement Officer

- Using the Obstructing a Law Enforcement Officer statute as a generalized default response to non-compliance regarding an attempted, failed Terry Stop to meet "arrest" for the justification of physical force in and of itself is discouraged. (See notes section re: State v. Steen and State v. Williams regarding arrest for Obstructing a Law Enforcement Officer).

- ***Even when determining probable cause exists, officers should still consider the governmental interest of the crime at hand and, nature of intrusion, and if force is decided to be used, adhere to; quantum of force, necessity, and reasonable care.***

39

Involuntary Detentions, Custodial Protective Detentions & Use of Force

- The CJTC's interpretation of the authority to use physical force to compel a non-criminal detention such as an involuntary detention (RCW 71.05.150, RCW 71.05.153) or custodial protective detention (RCW 13.34) minus probable cause for crime or any articulation of immediate threat to the officer or another is to either;

- Use no physical force to compel a detention;

- Investigate to determine if probable cause exists;

- Determine if an imminent threat exists to the officer or another should the detention not be effected.

- ***Even when determining probable cause exists, officers should still consider the governmental interest involved and, if force is decided to be used, adhere to; quantum of force, necessity, and reasonable care.***

40

Bryan v. MacPherson and Mentally Ill Subjects

- Officer MacPherson argued that use of the taser was justified because he believed Bryan may have been mentally ill and thus subject to detention.
- To the contrary: if Officer MacPherson believed Bryan was mentally disturbed, he should have made greater effort to take control of the situation through less intrusive means.
- As we have held, "[t]he problems posed by, and thus the tactics to be employed against, an unarmed, emotionally distraught individual who is creating a disturbance or resisting arrest are ordinarily different from those involved in law enforcement efforts to subdue an armed and dangerous criminal who has recently committed a serious offense."

41

Bryan v. MacPherson and Mentally Ill Subjects

- Although we have refused to create two tracks of excessive force analysis, one for the mentally ill and one for serious criminals, we have found that even "when an emotionally disturbed individual is 'acting out' and inviting officers to use deadly force to subdue him, the governmental interest in using such force is diminished by the fact that the officers are confronted.
- The same reasoning applies to intermediate levels of force. A mentally ill individual is in need of a doctor, not a jail cell, and in the usual case-where such an individual is neither a threat to himself nor to anyone else-the government's interest in deploying force to detain him is not as substantial as its interest in deploying that force to apprehend a dangerous criminal.
- Moreover, the purpose of detaining a mentally ill individual is not to punish him, but to help him. The government has an important interest in providing assistance to a person in need of psychiatric care; thus, the use of force that may be justified by that interest necessarily differs both in degree and in kind from the use of force that would be justified against a person who has committed a crime or who poses a threat to the community.

42

Summary

- Police use of force upon a citizen is an incredible responsibility requiring; necessity, reasonableness and reasonable care coupled with the careful balancing of governmental interest, nature of the intrusion, and quantum of force.

- An officer's seizure upon a citizen must be reasonable and necessary in; inception, degree (type), duration, and quantum.

- De-escalation is using proper patrol tactics to slow the pace of an event in order to increase the likelihood of a favorable outcome for all persons involved. This can be achieved through adherence to the 5 Overarching Principles of Patrol Tactics.

- By adhering to and following the 5 Overarching Principles, an officer can increase their perception of time available to improve the management of the use of force event.

43