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THE ORION BULLET

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USE OF FORCE – THREAT ASSESSMENT- CHANGING TIMES

The Police Executive Research Forum,
has released a position paper entitled;

**Use of Force; Taking Policing to a
Higher Standard, dated January 29,
2016, 30 Guiding Principles.**

In the current atmosphere of heightened
concern over Officer Involved Shootings
(OIS), Law enforcement agencies across
the country are re-evaluating use of
force issues as it pertains to their
policies, procedures and training.

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Whether you agree or disagree with the recommendations of the Police Executive Research Forum; the individual law enforcement officer and law enforcement executives must accept that the current atmosphere of distrust and anger in the United States demands a critical introspection of all aspects of use of force.

The landmark case of Graham versus Conner has served as a guidepost for law enforcement protocol in the use of lethal force for decades. While Graham is still the law of the land in determining whether an OIS was objectively reasonable, **it is the totality of the circumstance that is being extended and examined.**

Law enforcement agencies are being asked to adopt policies that hold themselves to a higher standard than the legal requirements of Graham v. Conner.

Law enforcement agencies are being urged to formally adopt a de-escalation policy and train officers in The Critical

Decision Model techniques to determine when the use of lethal force is appropriate.

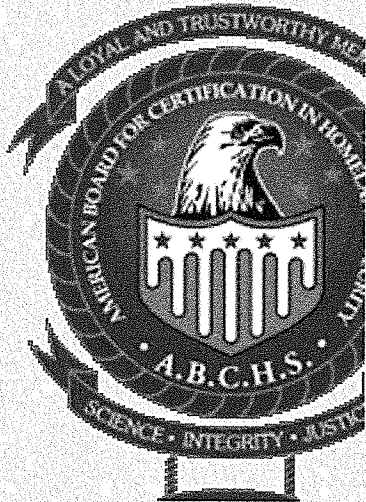
How officers are **trained** and **what resources** were available in a situation is being considered along with de-escalation and disengagement policies to determine if the use of lethal force was "objectively reasonable".

Law enforcement officers are being asked to assess if the use of force was proportional to the situation.

Officers are being asked to consider, would the general public think the level of force used was appropriate to the situation and the threat that was being posed to me or the public?

When trying to reconcile officer safety and survival issues with these recommendations the challenges are immense.

That is why appropriate training is the cornerstone that will allow adoption of the Police Executive Research Forum recommendations without compromising



Officer safety.

Training programs that utilize empirical data to support the content and protocol being taught involving decision making process under stress is essential.

References and recommended reading:

(1) Use of Force Training: A Reasoned Approach (part Two) by Thomas D. Petrowski, J.D.

“Whenever Law Enforcement Officers use force, the legal evaluation will focus on whether they reasonably perceived a threat at the time they used force and whether the force used was a response that an objectively reasonable Law Enforcement Officer might have selected”.

(2) Left of Bang by Patrick Van Horne and Jason A. Riley

“The process of making decisions is simple: Establish the baseline, identify anomalies, decide, and react. The key to Any decision –making is when to decide”

Any effective method of decision making should have a threshold of decision; A threshold of decision guards against hesitation and indecision due to over analysis or waiting for additional information”

“Left of Bang” means before bad stuff happens. That’s where you want to be – alert, ready to respond to protect yourself.”

(3) Graham V. Conner 490 U.S. 386, 396,104 L.Ed.2d 443,109 S. Ct 1865(1989)

(4) Chew V. Gates, 27 F. 3d 1432(9th cir.1994).cert. denied, 513 U.S. 1148, 115 S.Ct. 1097, 130 L.Ed.2nd d1065 (1995).

(5) Critical Issues in Policing Series use of Force: Taking Policing to Higher Standard, January 29, 2016, 30 Guiding Principles, Police Executive Research Forum