

UOF POLICY & STATUTE TRAINING 2021

DEFINITIONS

Pre-training homework



DEFINITIONS – THE FOLLOWING DEFINITIONS ARE DIRECTLY FROM THE POLICY. MANY WERE DEFINED IN STATUTE.

FAMILIARIZATION WITH THESE TERMS PRIOR TO TRAINING WILL ENHANCE UNDERSTANDING AND STREAMLINE TRAINING.



- ▶ A subject who takes no affirmative action to defeat police efforts to make an arrest but who does not respond to verbal commands and may refuse to move by sitting down, acting as “dead weight” or similar.

PASSIVE RESISTANCE

- ▶ A subject using physical activity to resist or take affirmative action to defeat an officer's ability to take them into custody or to seize them, but the subject's actions would not lead a reasonable officer to perceive a risk of physical injury to themselves, the subject, or a third person. Examples of active resistance include pulling away, escaping or fleeing, struggling and not complying on physical contact.

ACTIVE RESISTANCE

- ▶ Behavior that an objectively reasonable officer would believe creates an imminent risk of physical injury to the subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include an attack on an officer, strikes, wrestling, undirected strikes with injury potential, kicking, shoving, punching, and other words or behavior indicating that such actions are imminent.

ACTIVE AGGRESSION

- ▶ Based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity and apparent intent to immediately cause death or serious bodily injury to the law enforcement officer or another person. An imminent threat is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of harm, but is one that, from appearances, must be immediately addressed and confronted.

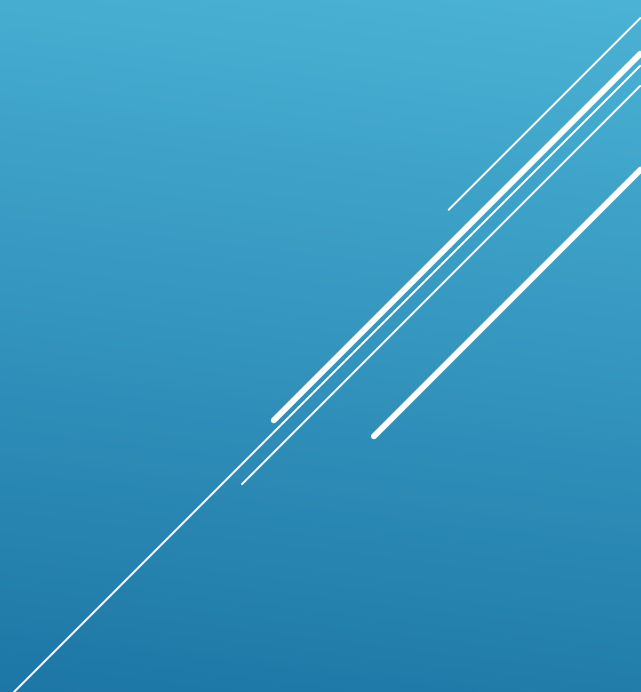
IMMINENT THREAT OF DEATH OR SERIOUS BODILY INJURY

- ▶ Actions used by officers, when safe and feasible without compromising law-enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of gaining voluntary compliance from a subject. This generally refers to the act of moving from a state of high tension to a state of reduced tension. Common de-escalation techniques include deliberately slowing the progression of law enforcement actions, using barriers, cover and distance, as well as communicating in a calm, clear manner, using active listening skills and asking open ended questions. When appropriate *and available*, officers should consider calling in and relying on resources, such as crisis teams or embedded social workers, to assist in de-escalating a situation.

DE-ESCALATION

- ▶ Means the use of any maneuver on a person that employs a lateral vascular neck restraint, carotid restraint, or other action that applies any pressure to the throat, windpipe, or neck in a manner that limits the person's breathing or blood flow.

CHOKEHOLD



- ▶ To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it.

PROPORTIONAL

- ▶ Whether the decision by a law enforcement officer to use force was objectively reasonable shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances. A law enforcement officer's failure to use feasible and reasonable alternatives to force shall be a consideration for whether its use was objectively reasonable.
- ▶ The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions about the amount of force that is necessary in a particular situation, in circumstances that are tense, uncertain, dynamic and rapidly evolving.

OBJECTIVELY REASONABLE (PART 1)

Factors to be considered in determining the objective reasonableness of force include, but are not limited to:

- ▶ The seriousness of the crime or suspected offense;
- ▶ The level of threat or resistance presented by the subject(s) (e.g. proximity to weapons, potential for escape, availability of other resources or officer backup);
- ▶ Whether the subject was posing an immediate threat to officers or a danger to the community;
- ▶ The potential for injury to citizens, officers or subjects (e.g. levels of exhaustion, relative size, strength, skill level, age of suspect versus officer as well as number of officers versus subject(s)).

OBJECTIVELY REASONABLE (PART 2)

Law Enf. Officer:

- ▶ Shall have the same meaning as 20 VSA 2351 a.
- ▶ Used interchangeably with “officer.”

Totality of the circumstances:

- ▶ Means the conduct and decisions of the law enforcement officer leading up to the use of force and all facts known to the law enforcement officer at the time, including the conduct of the person or persons involved.

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Intervene:

- ▶ To come between, whether physically or verbally, to prevent or alter a result or course of events.

Necessary:

- ▶ When a reasonable officer with the same information and in the same situation would conclude that no reasonably effective alternative appears to exist.

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Force:

- ▶ Physical coercion employed by a law enforcement officer to compel a person's compliance with the officer's instructions.
- ▶ For the purpose of this policy, this includes all law enforcement actions beyond compliant handcuffing.

Deadly Force:

- ▶ Any use of force that creates a substantial risk of causing death or serious bodily injury.
- ▶ Also referred to as lethal force.

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