COMPREHENSIVE, DEFENSIBLE POLICY AND DAILY TRAINING

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Could our pool members be a target of a police practices lawsuit?
An exclusive webinar for AGRiP members

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Overview

- Two urgent risk questions
- Force mandates & strategies
- Body worn cameras
- Chronically mentally ill

Controversial force
- ECDs
- Neck restraints
- Handcuffs
- Officer-precipitated force
- Tactical teams, NFDD
- Dogs
Two questions for your members

- What is the source of police authority?
- What are the limitations on that authority?
- Identify the members’ staff who should and who can (and who can’t) answer these questions
  - What is the source of information?
  - Training? Policy? Is there testing and documentation?
By the numbers

- Police officers kill just over one person per day (average of 372 per year)
- By comparison
  - Slightly more are killed each year by lightning
  - 189 persons killed each year in gun accidents
  - 280 persons killed each year by citizens in homicides justified as self-defense
  - 13,223 persons murdered each year
  - 35,900 persons killed each year in car crashes
Force mandates & strategies

- DOJ generally mandates:
  - Policies that clearly define types & levels of force
    - Force against restrained persons
    - Force for verbal/“passive” resistance
  - Immediate reporting of force to supervisor
  - Supervisory response to force incidents
  - Consequences for using unreasonable force
  - Tool training, de-escalation training and certification
  - Reporting, tracking, review, auditing of force
Force mandates & strategies

- Force issues often camouflage broader concerns
- Considerations for self-evaluation
  - Robust policy review
  - Training . . . Just “shoot a lot”?  
  - Effective reporting? (not boilerplate)
  - Force auditing? Tied to EIS?
  - Viable complaint process?
  - Do we “ask, tell, make”? What’s missing?
Force mandates & strategies

- Supervisory role in use of force
  - Respond to the scene of use-of-force incidents
  - Investigate and document non-critical use-of-force incidents
  - Respond to misconduct complaints
  - Work the same shifts as the officers they are supervising

- Don’t expect too much administrative work from supervisors who actually mentor and lead
#OfficerGoF 'Yourself Threatens to Kill Fergus...
Do cameras influence behavior?

- Intuition isn’t yet confirmed by research.
- Some early indication that body worn cameras, prominently worn, *may* decrease assaults on officers.
- Do cameras influence behavior of officers not wearing a camera?
Use of force by Rialto Police Department

Use of force decreased by 59% following introduction of body worn cameras

Citizen complaints declined by 87.5% following introduction of body worn cameras
Practical issues

- Counsel members to involve stakeholders in the process
- CSI effect
- Server space
- Public disclosure requests
Selecting the right technology

- Critical criteria:
  - Evidence security
  - Likelihood of video capture
  - Full audit trail
  - Efficient technology platform

- Other considerations
  - Balance of video fidelity, field of vision, fisheye elimination
  - Point of view universally recommended
  - Comfortable for officers
  - High mounts are less likely to be obstructed
Future

- Geotags?
- Remote activation?
- Broadcast?
- Auto activation?
- Eye-wearable?
- Data feeds?
Chronic mentally ill

- Do your members have policies & training designed to reduce force against persons with mental illness (don’t forget dispatchers)
  - DOJ watches for systemic deficiencies
  - Whether and how many officers are specially trained and/or proficient in responding to mental health crisis
  - Lack of protocols and engagement with community mental health providers
ECD—not really a new idea

1935

1965
ECDs

- Falls cause the most injuries
- ExD
- Touch mode tattoos
- Weapon confusion
Tight restraints

- Respond to complaints of tight restraints
- Document
- Actual injury plus notice may constitute excessive force
- Alert your members to the risk of plastic cuffs!
Carotid control primer

- Symmetrical pressure applied in a “V” via the forearm and upper arm to sides of neck
- Carotid arteries & jugular veins are compressed, reducing blood flow
- Generally induces unconsciousness w/in 15 seconds
- Normally with quick recovery
“No medical reason to routinely expect grievous bodily harm or death following the correct application of the vascular neck restraint in the general population by professional police officers with standardized training and technique” – Dr. Christine Hall, *Canadian Police Research Centre National Study On Neck Restraints in Policing*

“The carotid sleeper hold when utilized in younger subjects appropriately, has a relatively solid safety profile and is an appropriate form of restraint and use of force method in law enforcement” – Dr. Gary Vilke, in *Sudden Deaths in Custody*
Risk management considerations

- Proper training for your members should include:
  - Anatomical structures and physiology
  - Recognize state of unconsciousness and know when to release pressure
  - Couple with ExD response training, AED, CPR
  - Train to avoid unintentional slip to choke hold
  - Proper post-application positioning
  - Proper response to vomiting
  - Retraining at recommended intervals
Officer-precipitated force

- Officer-created jeopardy leads to officer-precipitated force
  - Moving into the reactionary gap, surrendering time, cover and distance to impatience and frustration
  - Facilitate less-lethal problem solving with the proper tools and training
- Many examples from the Occupy movement and campus protests
Officer-precipitated force

- Fools rush in, wise cops ask:
  - Why are we here? What is the precise objective?
  - What authority do we have, right here and now?
  - What do we gain by forcing a resolution?
  - Is time our friend?
  - Can we just walk away?
Tactical teams

- Risk assessment matrix
- Briefing with investigators
- Record briefing
- Sign the warrant
- Muzzle lights
- NFDD
Then and now
Dogs

- “Properly trained, a man can be dog’s best friend.”
- Sometimes neglected in warrant execution planning
- Deadly force should not be the default response
Essential mitigation

- Systems for:
  - Documenting force
  - Assessing agency use of force on a periodic basis
  - Policy review
  - Assessment of alignment of policy and practice
Conclusion

- Risk managers should assess:
  - Best practice policies
  - Training for real life at the speed of real life
  - What your members’ staff knows about its force status and how they know it
Thank you!

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