

Headquarters U.S. Air Force

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Use of Force



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179th SFS
19 May 19



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Training Objectives

- **Identify basic facts and principles associated with Use of Force**
- **Identify the concepts associated with ‘Objective Reasonableness’**
- **Explain the relationship between Officer Perception, Subject Action and the Officer Action**
- **Placed in a training environment identify and explain the use of less-lethal force**
- **Placed in a training environment identify and explain the use of deadly force**
- **Identify the special considerations with use of force and deadly force**
- **Placed in a training scenario display the ability to use the appropriate amount of force in scenarios and defend the force used to a go/no go standard**

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Overview

- **Key Terms**
- **Use of Force**
- **Objective Reasonableness/Totality of Circumstances**
- **Escalation and De-escalation of Force**
- **Tools, Tactics, and Timing**
- **Using Force**
- **Deadly Force**
- **Special Considerations**



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Key Terms

- **Force is the amount of effort required by a Defender to compel compliance or overcome resistance to protect life or property by a non-compliant subject**
- **Less-lethal Force is any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another**
- **Objective Reasonableness is “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene...”**
- **Excessive force is when the type, degree or duration of the force which was used is found to have been greater than that which was objectively reasonable under the totality of the circumstances confronting them at the time force was used**
- **Tools are mechanical, physical or mental resources to gain or regain compliance**

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Key Terms con't

- **Tactics are the applications of these tools in the form of techniques and procedures**
- **Timing is the correlation of tools and tactics to produce timely and effective application of appropriate objectively reasonable force required to establish and maintain lawful control**
- **Officer's perception of the subject's actions and the totality of circumstances**
- **Subject's actions are not defined mechanically, are structured into behavioral categories to promote understanding of the concept**
- **Officer's response in perceiving the subject's actions to obtain subject compliance and achieve the objective**
- **Deadly Force is any use of force that creates a substantial risk of causing death or serious bodily injury**

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Know Your Limitations



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Use of Force

- The goal of use of force is to gain and maintain control of an individual and/or situation
- Defenders will use only that force which is reasonably necessary to accomplish their duties
- Only use the force which is necessary while conducting authorized missions/official duties
 - Searches, seizures, and apprehensions
 - Defense of assets vital to national security or inherently dangerous
 - Preventing a person from self-injury
 - Conducting protective detail operations
 - Preventing prisoner escapes
 - Dissolving riots/civil unrest when directed
 - Maintaining good order and discipline
 - Overcoming resistance to lawful orders
- Commanders always retain the right to exercise unit self-defense in response to a hostile act or demonstrated hostile intent
- Personnel may exercise self-defense in response to a hostile act or hostile intent



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Use of Force con't

- **When time and circumstances permit, a threatening force should be warned and given the opportunity to withdraw**
- **Defenders may have an obligation to apprehend rather than permit an individual to withdraw**
- **Force must be reasonable in *intensity, duration, and magnitude* based on the totality of the circumstances**
- **Use of Force does not apply solely to firearms/deadly force confrontations but all applications of lethal and less-lethal force**
- **Deadly force is to be used only when all lesser means have failed or cannot reasonably be employed**
- **In some circumstances, force, including deadly force, may be the only option available to respond to a hostile act or hostile intent**

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Objective Reasonableness

- **Objective Reasonableness is the legal standard used to determine lawfulness of a use of force incident/event**

- **In *Graham v. Connor*, the US Supreme Court established the 4th Amendment standard of “objective reasonableness” as the appropriate standard for assessing the use of force**

- **The ‘reasonableness’ must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight**
 - **Split-second decisions**
 - **Defender’s actions are ‘objectively reasonable’ in light of the facts/circumstances they are confronting**
 - **Facts/circumstances known at the time force was used is the basis for determining reasonableness**

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Objective Reasonableness

- **Additional factors include**
 - **Number of subjects involved, size, age, and condition of the subject**
 - **Duration of the subject's actions**
 - **If the force applied resulted in injury**
 - **Previous known violent history**
 - **Use of alcohol or drugs history**
 - **Presence of bystanders**
 - **Availability of appropriate less-lethal weapons**



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Objective Reasonableness con't

- The reasonable officer standard is “would another Defender facing like or similar circumstance, act in the same way or use similar judgment?”

- Includes the totality of the circumstances and four factors affecting the use of force in a particular situation
 - Severity of the crime
 - Did the subject represent an immediate threat to the safety of the Defender or others
 - Did the subject actively resist
 - Did the subject attempt to evade apprehension by flight



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Objective Reasonableness con't

- To achieve this Defenders draw from a reservoir of options to include
 - Display of authority
 - Verbal and non-verbal communication
 - Less-lethal force
 - Deadly force

- It is not necessary to move progressively from one force option, but rather applying the option which is reasonable under the totality of the circumstances



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Escalation and De-escalation of Force

- **The primary goal of the Defender's effort is to gain and maintain control of the subject(s)**
- **Ideally, each encounter results in a balanced utilization of force flowing in the form of escalation, stabilization or de-escalation**
- **Force is based upon the actions or threats presented and the subject's degree of compliance or noncompliance**
- **It is essential that Defenders learn to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force**

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Escalation and De-escalation of Force con't

- Escalation is the intensification of force when defending or protecting oneself or others in a situation to protect and gain control of the situation or individual encountered
- De-escalation- tactics and techniques used by Defenders to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance
 - Slow down or stabilize the situation so that more time, options and resources are available
 - Scene management, team tactics (time, distance, shielding), and/or individual engagement
 - Promote thoughtful resolutions and to reduce the likelihood of harm to all persons involved
 - De-escalation is evaluated under the totality of the circumstances
- Stabilization evaluates the situation and utilizes tools/tactics to generate advantage and restore compliance
 - A subject that is not restrained and standing has the tactical advantage and is able to deliver resistance against the Defender
 - A subject that is prone, handcuffed is in a position where the Defender has the tactical advantage and the effects of the resistance is mitigated

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Tools, Tactics and Timing

- Application of force encompasses three main elements of action and assessment
 - Tools, Tactics and Timing

- Tools are the mechanical, physical or mental resources we have in order to gain or regain compliance
 - These include verbal skills, control techniques, NLW (Taser, baton, military working dog, pepper spray, rifle fighting, etc.), and lethal weapons

- Tactics are the applications of these tools in the form of techniques and procedures that incorporate the tools into strategies to accomplish an apprehension
 - Keeping a subject's hands/palms visible at all times and the proper use of cover or concealment

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Tools, Tactics and Timing con't

- **Timing is the correlation of tools and tactics to produce timely and effective application of appropriate reasonable force required to establish and maintain lawful control**
 - **Defenders apply handcuffs during an apprehension (stabilize) to maintain order and minimize the potential of an assault on the Defender**
- **Applying Force w/the appropriate Tool/Tactic**
 - **Tactics and tools available based on the subject's actions, officer perception and the officer's response**
- **Applying force simply means a given situation could have different levels of UoF applied based on the entire situation and how it is perceived by the Defender**
 - **Each of these could be legal and reasonably correct levels, especially when the *Graham v. Connor* factors are applied**

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Using Force

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- **The decision to employ reasonable force is based on the Defender's perception of the subject's actions and the totality of circumstances**
 - **Use of force must be reasonable compared to the threat, resistance, and circumstances known to the Defender**
 - **Reasonableness is the most significant factor when considering the immediate threat to the safety of the officer or others**
 - **Subject's actions and practical considerations involved in a situation assist in determining the type of force the Defender may lawfully use to gain/maintain control**

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Using Force con't

- **4th Amendment standard of “reasonableness” does not lend itself to a “precise definition or mechanical application”**
 - **Objective reasonableness can be simplified into 3 basic elements to promote understanding**
 - **Elements are linked and must be analyzed to establish the basis of reasonableness in use of force**
 - **Reasonableness applies to all uses of force, not just those where the Defender is in jeopardy**
 - **Reasonableness assists the Defender in determining whether or not to employ force**
 - **No element of reasonableness can stand-alone or be the sole basis for the use of force**

- **Subject’s actions and practical considerations involved in a situation are major factors in determining the type of lawful force used to gain/maintain control of the subject/situation**

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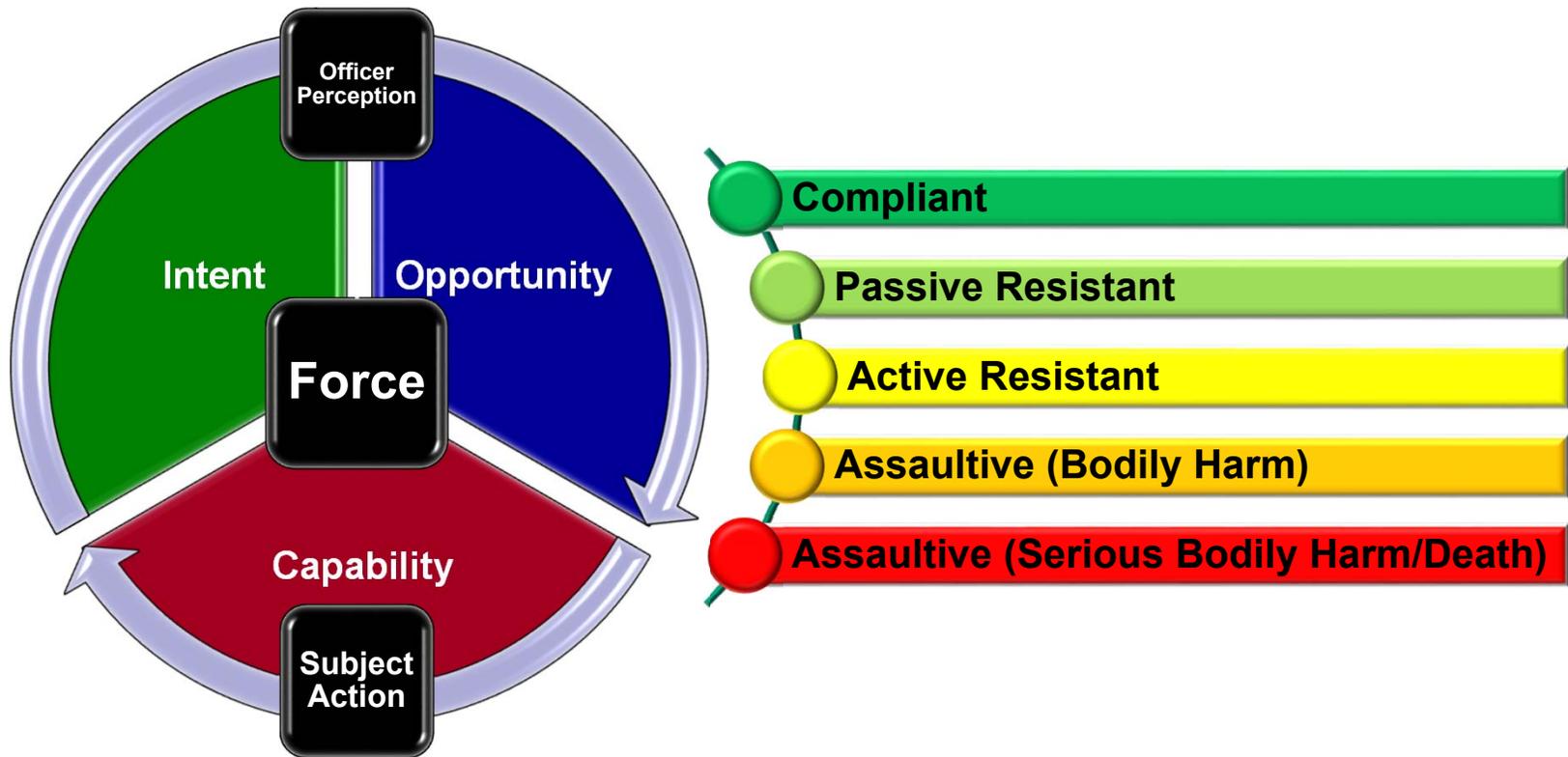
Using Force- Officer Perception

- **All three elements must be perceived in determining the reasonableness of an officer's action to employ or escalate force in order to obtain compliance, the three elements are**
 - **Capability- the ability of the subject to carry out a threatened action or actually performing the action**
 - **Opportunity- action or threat the Defender perceives is imminent but not necessarily instantaneous**
 - **Subject must be in a position where he/she can carry out the act or threat**
 - **Intent- the perceived mental state initiating an overt act (words/deeds) in the furtherance of a threat, action, and/or crime**

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Subject Actions





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Using Force- Officer Response

- In perceiving the subject's actions, the goal is to obtain subject compliance

- Defenders may employ tactics, which include verbal or physical controls, less-lethal weapons and techniques, and deadly force

- When faced with a subject the following illustrates how a subject's resistance/actions can correlate to the force applied by a Defender

- It is not the intent to imply that a Defender's force options are limited based on any single factor
 - "Reasonableness" does not require the selection of the least intrusive or minimum force available, only a reasonable one

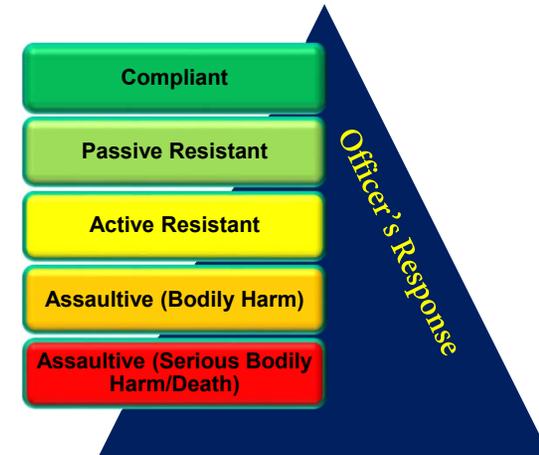
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Using Force- Officer Response con't

- **Compliant**
 - Professional appearance, nonverbal actions/verbal requests/commands, handcuffing and control holds
- **Passive Resistant**
 - Verbal communication, physical control techniques, including lifting/carrying, control holds, takedowns and techniques to direct movement or immobilize a subject
- **Active Resistant**
 - Control holds/techniques to control subject, use of baton as an escort tool, or use of weapons to gain advantage
- **Assaultive (Bodily Harm)**
 - Devices (Baton, Taser, OC Spray, MWD) and/or techniques to stabilize the situation
- **Assaultive (Serious Bodily Harm/Death)**
 - Firearms or any other available weapon or action in defense of self and others to stop the threat



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Using Force- Officer Response con't

- Defenders must use the force option(s) appropriate for the situation as conditions may change rapidly
 - Must continually evaluate subject's actions and be prepared to transition as needed to the appropriate force options (de-escalate, stabilize or escalate)
 - Should attempt to generate voluntary compliance without resorting to physical force

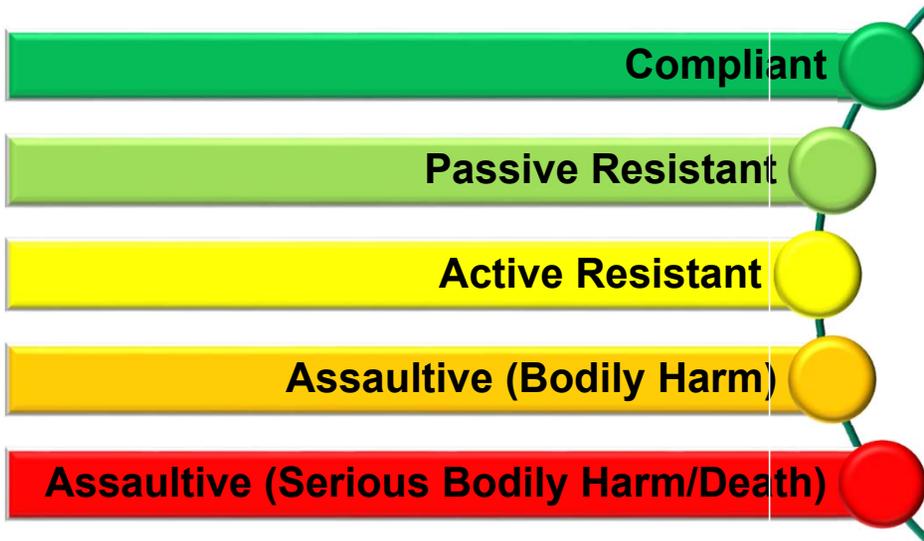


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Officer Response con't



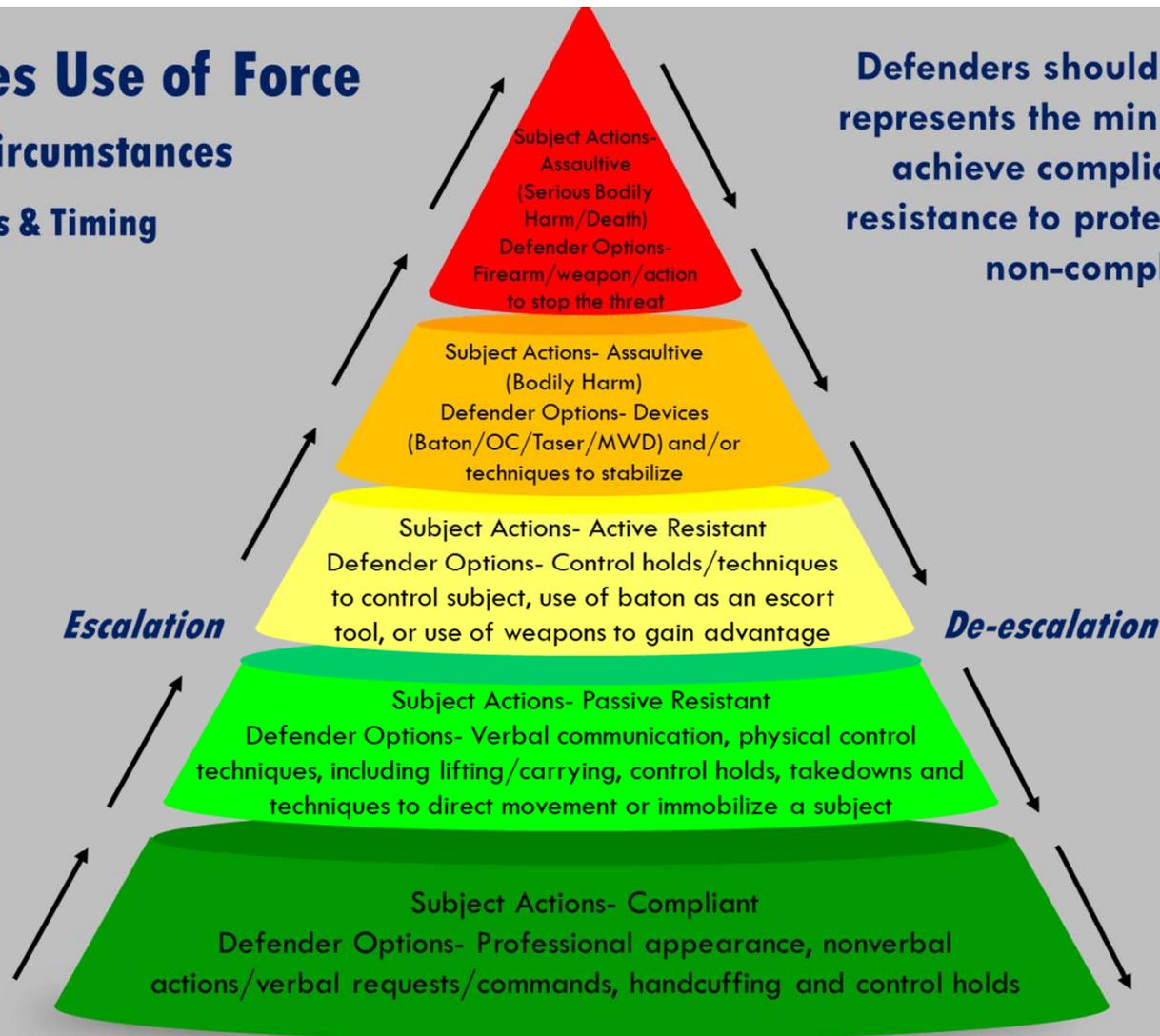
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Security Forces Use of Force

Totality of Circumstances

Tools, Tactics & Timing

Defenders should use the option that represents the minimal force needed to achieve compliance or overcome resistance to protect life/property by a non-compliant subject



Force = intensity, duration, and magnitude



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Deadly Force

- **Must meet the “Objective Reasonableness” standard**
- **Only use when all lesser means of force have failed or cannot reasonably be employed**
- **CJCSI 3121.01B, Enclosure L, Deadly force is authorized**
 - **Inherent Right of Self-Defense**
 - **Defense of Others**
 - **Assets Vital to National Security**
 - **Inherently Dangerous Property**
 - **National Critical Infrastructure**
 - **Serious Offenses Against Persons**
 - **Escape**
 - **Arrest or Apprehension**



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Special Considerations- Use of Firearms and Deadly Force

- Defenders should identify themselves with an order to “Halt, Security Forces” before using force and/or discharging a firearm
- Use due regard for the safety of innocent bystanders when using deadly force
- Do not fire shots as a warning to suspects unless specifically authorized in overseas theater directives such as Status of Forces Agreement or when complying with Host Nation agreements and Rules of Engagement as directed by Combatant Commanders
- Warning shots are prohibited in the United States



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Special Considerations- Use of Firearms and Deadly Force

- **Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive (CBRNE) Operations**
 - **Protection and recovery operations involving nuclear weapons or lethal chemical agents, the presence of innocent bystanders or hostages must not deter individuals or commanders from stopping the attack through all means necessary**

- **Local, Host Nation Laws, and SOFA- Commanders may impose further restrictions on the use of deadly force to comply with local or host-nation laws and SOFA**

- **Use of less-lethal force is subject to the same standards of objective reasonableness under the totality of circumstances as deadly force**



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Questions



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