

Northern Virginia Criminal Justice Training Academy

1. **Ban on chokeholds-** All NVCJA member agencies currently forbid any and all types of chokeholds. To our knowledge, this has been the case for over 20 years. It makes perfect sense to suggest that use of a chokehold by police, when a lesser force option is available, could prevent death or serious injury. In a deadly force situation, an officer is permitted to use any weapon or technique, including a gun, a brick, a chokehold, or any other option to stop the threat to life presented by the perpetrator. Whether an officer is trained to use a chokehold technique is irrelevant when involved in a deadly force situation. Bottom line, when deadly force is justified by an officer, it does not matter what force is used or what type of weapon is used. It is the totality of the circumstances that decides reasonableness. Again, having said that, we do not teach any chokehold technique at the Academy.
2. **Require de-escalation training-** The NVCJA presently provides over 40 hours of classroom training in the areas of Interpersonal Communications, Bias awareness, interaction with specialty groups (Emotionally Disturbed, Autism, Deaf, Handicapped, etc.), community interaction, mitigation, negotiation, and ethics. It is stressed that the most powerful tool officers have is their ability to communicate. The various force options are to be utilized in conjunction with, not in place of, communication skills when the situation dictates the need for force to gain control. Control is obtained in order to allow for facilitation of a long-term remedy. De-escalation of force methods are taught and evaluated in every force on force scenario at the Academy. It is emphasized in use of force lectures, articulated by recruits after performing scenarios that require de-escalation and reiterated often in defensive tactics training. On day one at the Academy, recruits are told that the sanctity of life is the most important part of their training. They are also told that when using a particular level of force that it should be the suspect's actions that dictate the officer's response and the amount of force is appropriate in relationship to that need. Just as important, recruits are also told that while de-escalation methods are vital in their training, it is just as important to know when an officer must escalate and use a higher level of force, sometimes in a split- second decision to do so. When an officer is driven (by suspect actions) to utilize deadly force, it is not to kill, it is to stop the aggressive actions of the suspect. Scenarios at the Academy requiring a use of force have desired outcomes that have a reasonable conclusion and articulation of the actions taken with justification by the recruit are evaluated. Sometimes these require the use of deadly force, but most of the time a lesser level of force is appropriate. Recruits are taught throughout that "distance plus cover equals time" and when possible to slow things down and avoid rushing into a situation.
3. **Require a warning before shooting-** Recruits are taught from the United States Supreme Court case, Tennessee vs. Garner (1985). Under these guidelines, police may use deadly force to protect their lives or the life of other from death or serious bodily injury. In addition, police may use deadly force when the officer has probable cause that a suspect poses an ongoing threat of death or serious bodily injury, there were no other reasonable options, AND WHEN FEASIBLE, A VERBAL WARNING MUST BE ISSUED TO THE SUSPECT. During recruit training in the Firearms simulator room, various deadly force scenarios are given to recruits that involve situations where it is feasible to give a warning (kids looking at a gun on the playground) and when it is not (active school shooter). Again, it is usually the actions of the suspect that dictate the actions of the officer.
4. **Exhaust all other REASONABLE means before shooting-** When possible, officers should avoid the use of deadly force. Even when an officer is in a situation where deadly force is justified, it

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does not mean that he/she has to use this level of force. By maintaining distance and the use of cover, officers can sometimes buy time and avoid a deadly force confrontation. Again, the circumstances of the situation will dictate this response and the actions of the suspect should direct the officer's response. When possible, it is best not to force an incident by getting too close or allowing adrenaline to take over and force a response. Recruits are taught to slow things down and maintain cover and distance, when possible.

5. **Duty to intervene-** Recruits are told in class that if they witness an officer who loses control in a situation where defense and control have been established and force is no longer necessary, de-escalation methods, including physically intervening, and/or first-aid must be implemented. Failure to act puts the officer at risk and they may be found as guilty as the officer committing the act. Force scenarios that show this type of incident are demonstrated during recruit training both on video and scenario-based training.
6. **Ban shooting at moving vehicles-** All 17 member jurisdictions forbid shooting at moving vehicles, except in deadly force situations. Recruits are told this as well at the Academy and it is discussed in depth in a written scenario. The only way an officer may shoot at the vehicle is when the person is attempting to run them over. The best option is to get out of the way.
7. **Require a use of force continuum-** "8cantwait.org" argues that a force continuum would limit the types of force and or weapon that can be used by an officer to respond to resistance. Since 1989 under the case law of *Graham vs. Connor*, officers are not required to use a minimum amount of force, but a reasonable amount of force. The conduct of the officer when evaluating a level of force is based on the totality of the circumstances that existed and were known by the officer at the time force was used, without the vision of 20/20 hindsight. Officers must articulate their perception of threat and their response must be that of a reasonable officer with the same facts and circumstances as the officer when they chose to use force. Officers may use force to control and defend and are often required to make split second decisions in tense uncertain and rapidly evolving situations. The courts have warned in second guessing an officer in these situations. The bottom line is that officers and our recruits are not expected to memorize a force model and choose a particular level of force while under stress. They are only required to choose a reasonable one. A force model in the design of a circle model is used in one class just to show and explain to the recruits of the different types of force options.
8. **Require comprehensive reporting-** Report writing is an important aspect in use of force incidents. Recruits at the Academy are required to write a force report from a scenario-based training exercise and receive feedback in class. Emphasis is placed on describing the totality of the incident from beginning to end, not just the force incident itself. During the instructor-led debrief of every scenario-based exercise, the trainee is required to articulate what would be included in their report of the incident had they been required to complete one.