

**Unit Goal: Demonstrate knowledge and skills of strategies of defense.**

**Student Prerequisite: The Chapter “Force Operations Theory” is a prerequisite for this section.**

**31.1. Identify the three basic concepts of weaponless strategies.**

- A. Self-control
  - i. The police role in a physical arrest is essentially to protect the public and to take the violator into custody. It is important for the officer to maintain physical and emotional control to ensure the safety of the officer, the arrestee, and the public.
- B. Balance
  - i. Mental balance consists of being prepared to control your own emotional and physical self, and then to restrain the violator and, ultimately, the situation, not allowing the emotional level to overcome your self-control and balance. Physical balance is the position that allows you the ability to move while maintaining balance, strength, and advantage. Proper positioning includes staying just outside the suspect's reach but where you can view everything, with your gun side away from the suspect and with a balanced stance.
- C. Awareness
  - i. Observe the entire situation and be aware of where the suspect's hands are, weapons, associates, or relatives of the suspect, escape routes for the suspect, and your own footing.

**Instructor Note:**

- Use of professional stance should be present during all demonstrations.
  - Use of verbal communication skills should be present and emphasized during all demonstrations.
  - Cultural awareness and skill in verbal persuasion are also important and should be used in completing this chapter.
- D. Principles of self-defense:
- i. Prevention
  - ii. Be aware of potential dangers.
  - iii. Avoid overextending yourself.
  - iv. Maintain the proper distance to allow yourself adequate reaction time.
  - v. If attacked, move out of the line of force rather than try to stop the force.

**Practical scenario:**

- The student will demonstrate the proper interview stance.
- The students will blade their bodies in a 45-degree angle with their reaction hand closer to the subject.
- The student will conduct an interview of a subject who appears to be dazed and confused.
- The subject will be cooperative but will be nervously moving around.

**31.2. Identify methods of weaponless defense.**

- A. Weaponless Strategies:
  - i. Touching
  - ii. Striking (open hand and closed fist)
  - iii. Joint locking
  - iv. Pressure points
  - v. Hand strikes and foot strikes
  - vi. Blocks
    - 1. Hands
    - 2. Arms
    - 3. Legs
- B. Ground techniques:
  - i. Base get up
  - ii. Full guard position
  - iii. Full mount position
  - iv. Trap and roll
  - v. Side mount

**Instructor Note:**

- Weaponless strategies may be taught from standing and/or ground position.
- Techniques taught should be drilled with multiple repetitions in the static and fluid mode.
- Techniques taught should follow a sequence from beginning to end.

**31.3. In a dynamic controlled violence scenario, demonstrate techniques of weaponless defense taught in class.**

**Practical scenario:**

- Dynamic scenarios require several instructors and safety persons to assure all training is conducted in a safe and efficient manner.
- The primary instructor should brief the safety person and role player and conduct a separate briefing for students.
- It is strongly recommended that the role player is a seasoned instructor who elicits the appropriate response from the cadet.
- Appropriate safety equipment (padded protective suit such as Red man, FIST or Spear suits) should be used for dynamic training.

**31.4. Identify methods of weapons defense.**

**Instructor Note:** Specific training is recommended for the desired weapon(s) being used in a student's department.

- A. Penal Code Sec. 9.55 Use of Less-Lethal Force Weapon
- B. Tactical transition
  - i. Chemical and electrical devices:
    - 1. Taser
    - 2. OC pepper spray
    - 3. Similar weapons
  - ii. Impact weapons:

1. Straight baton
  2. Expandable baton
  3. Side handle baton
  4. Similar weapons
- C. A baton is classified as a weapon capable of inflicting serious bodily injury or death; however, impact weapons may be used in lawful situations requiring a degree of force greater than the use of weaponless strategies but less than the use of deadly weapons/force. [Penal Code Sec. 46.01(1) Definitions; Penal Code Sec. 46.15 Nonapplicability]
- D. Situations which may necessitate the use of a baton or impact weapon:
- i. When an officer is a member of a tactical squad in a crowd or riot control formation, the baton may be used to move, separate, disperse, or deny a person access to a structure or through an area.
  - ii. When an officer is attacked by a suspect armed with a non-firearm type weapon, the officer may use the baton to disarm, distract, or disable the suspect, or to hold the suspect at bay until additional assistance arrives.
  - iii. When an officer is assaulted by an unarmed suspect, the baton can be used to disable the suspect or to defend against an assault.
  - iv. When the officer is confronted by several suspects who are threatening the officer, when the suspects are capable of carrying out the threats, and when they make an overt act to carry out the threats, the officer may use the baton to fend off an attack or assault and make an arrest.
  - v. When the officer is confronted by a suspect(s) who the officer has reasonable cause to believe committed a crime, and the suspect(s) refuses or fails to comply with the verbal commands prior to searching or handcuffing, the baton may be used to obtain compliance.
- E. Justification of baton use:
- i. The officer has the burden to justify the use of a baton by the totality of the circumstances.
  - ii. Consider the physical stature of the suspect(s) as compared to the officer.
  - iii. Consider the skill level of suspect (martial arts) or history of violence.
  - iv. Consider the need for immediate control of the suspect(s) or situation due to tactical determinations such as:
    1. The officer's perception of the suspect's knowledge or apparent knowledge of a fighting form.
    2. The assumption of an aggressive stance by the suspect.
    3. The suspect's inability to be restrained by lesser means due to the influence of alcohol and/or other drugs. [Penal Code Sec. 9.51 Arrest and Search]
- F. Guidelines for baton use:
- i. Should normally be positioned between the officer and the suspect
  - ii. Maintain a good defensive position whether left-or right-handed
  - iii. Do not intentionally use a baton to strike at the head or throat unless the situation has escalated to a deadly force situation.
- G. Strike and non-strike areas:

- i. Strike areas
  1. Center mass of arms
  2. Center mass of legs
  3. Abdomen
- ii. Non-strike areas (see also deadly force below) oAbove plane of shoulders
  1. Groin
  2. Center of back (spine) / kidney area
  3. Pectoral region (chest)
- iii. Definition would apply to whichever system is used

**31.5. In a dynamic controlled violence scenario, demonstrate techniques of weapons defense.**

**Practical scenario:**

- Dynamic scenarios require several instructors and safety persons to assure all training is conducted in a safe and efficient manner.
- The primary instructor should brief the safety person and role player and conduct a separate briefing for students.
- It is strongly recommended that the role player is a seasoned instructor who elicits the appropriate response from the cadet.
- Appropriate safety equipment (padded protective suit such as Red man, FIST or Spear suits should be used for dynamic training.

The officer is dispatched to a family violence assault in progress call. When the officer arrives at the scene, a combative subject who refuses to adhere to the officer's commands confronts them. The subject is actively aggressive and advancing on the officer. Subject must be taken into custody, as it is clear that the subject has committed a family violence assault. The student will:

- Demonstrate proper body stance while transitioning to a less than lethal weapon.
- Demonstrate an ability to remain balanced while moving.
- Demonstrate how to redirect an advancing subject.
- Use proper transition from a holstered weapon.
- When using a baton, the student will demonstrate proper striking angles and target indexing.

**31.6. Identify basic concepts of weapons retention.**

- A. The number of officers shot with their own weapon is reason enough for the need for training in weapons retention. A discussion of various techniques/concepts as well as advantages and disadvantages of those techniques and concepts is an important step toward that training.

**Instructor Note:** Weapons retention should be determined by agency policy, equipment, and defensive tactics. System Instructor should identify, discuss, and demonstrate the appropriate skills. Students should have multiple opportunities to practice these skills prior to the scenario exercise.

### **31.7. In a dynamic controlled violence scenario, demonstrate techniques for weapons retention.**

**Instructor Note:** Weapon retention may include rifle, shotgun, intermediate weapons from all angles and positions (standing, kneeling, prone) etc. Techniques should be taught in a sequential manner with multiple repetitions for retention and muscle memory.

**Practical scenario:**

- Dynamic scenarios require several instructors and safety persons to assure all training is conducted in a safe and efficient manner.
- The primary instructor should brief the safety person and role player and conduct a separate briefing for students.
- It is strongly recommended that the role player is a seasoned instructor who elicits the appropriate response from the cadet.
- Appropriate safety equipment (padded protective suit such as Red man, FIST or Spear suits) should be used for dynamic training.

The officer is dispatched to an open door. Upon arrival, the officer finds that the building is unsecure with no signs of forced entry. The officer makes entry to clear it. Once inside a subject lunges at the officer's weapon in an attempt to take it from the officer confronts the officer. The student will:

- Demonstrate proper holstered weapon retention.
- Demonstrate proper un-holstered weapon retention.

### **31.8. Identify the differences between deadly and non-deadly use of force.**

A. Use of non-deadly force:

- i. Non-deadly force means force not likely to cause death or great bodily harm. Non-deadly force can be used if, in using non-deadly force, you reasonably believed that such conduct was necessary to defend yourself or another against an attacker's imminent use of unlawful force and the use of unlawful force by the attacker appeared ready to take place.

B. Use of deadly force:

- i. Peace officers may use deadly force to protect themselves or others when and to the degree they reasonably believe an immediate threat of death or serious bodily injury exists.
- ii. Penal Code Sec. 9.32 Deadly Force in Defense of Person
- iii. Penal Code Sec. 9.33 Defense of Third Person
- iv. Penal Code Sec. 9.51(a) and (g) Arrest and Search
- v. Penal Code Sec. 22.05 Deadly Conduct

C. Relate deadly force to:

- i. Empty hand techniques
- ii. Control weapons

- iii. Chemical and electrical devices
- iv. Firearms
- v. Vehicles
- vi. Other topics
  - 1. Penal Code
  - 2. Units dealing with arrest

**Unit Goal: Demonstrate knowledge and skills of the physical process of arrest.**

**31.9. Identify factors influencing an officer's discretionary authority in arrest and non-arrest situations.**

- A. Factors influencing discretionary authority:
  - i. Officer discretion in arrest/non-arrest situation
  - ii. Ascertained likelihood of behavioral disorders
  - iii. Code of Criminal Procedure Art. 14.06(b) Must Take Offender Before Magistrate

**31.10. Identify risk factors and appropriate response.**

- A. Risk factors:
  - i. Suspect's mental attitude/behavioral disorders
  - ii. Time and location
  - iii. Intoxication
  - iv. Spectators supportive attitude toward subject
  - v. Officer attitude

**31.11. Evaluate the advantages of the various methods of approaching, confronting, and interviewing the suspect.**

- A. Direct approach (on foot):
  - i. Advantage – observe all movements
  - ii. Disadvantage – lose surprise element; vulnerable to resistance
- B. Rear approach (on foot):
  - i. Advantages – surprise; reduces probability of direct attack
  - ii. Disadvantage – may provoke physical response in defense of themselves
- C. Side approach (on foot):
  - i. Advantage – suspect off balance
  - ii. Disadvantage – cannot observe all movement; reduces surprise
- D. One vs. two officers (on foot):
  - i. Visual contact with each other
  - ii. Approach should be spread in V formation
  - iii. Plan confrontation

- iv. Communicate
- v. One officer in charge
- vi. Side officer keep hands free, gun away from suspect, observe suspect hands
- E. Interviewing subject(s):
  - i. One officer
    - 1. Observes all of the subject's actions
    - 2. Gun side away from subject
    - 3. Non-restricted physical position to allow movement
    - 4. Hands free of unnecessary items
  - ii. Two officers
    - 1. Same as one officer
    - 2. V position
    - 3. One officer in command
- F. Physical contact – position:
  - i. To side or rear of subject when possible
  - ii. Subject should be off balance
  - iii. Keep subject verbally informed of your actions and expectations
- G. Frisk, if justified, for:
  - i. Weapons
    - 1. Officer and/or public safety
- H. Considerations for a frisk:
  - i. One officer vs. two officers
  - ii. Stress safety
  - iii. Clothing, heavy clothing vs beach attire
  - iv. Stress pat down vs. search
- I. Arrest:
  - i. In clear language, advise the subject of the reason for the arrest. Subject may resist officers simply because they don't understand the nature of the arrest.

**Practical scenario:** Use the above information and role-play possibilities to give students practice in the various methods of approaching and confronting suspects.

### **31.12. Explain methods of applying handcuffs and other restraining devices.**

- A. Positions:

- i. Standing
- ii. Sitting
- iii. Prone
- iv. Kneeling

B. One suspect:

- i. Hands to rear
- ii. Palms out
- iii. Handcuffs double locked
- iv. In an emergency, apply in any manner possible.

C. Two suspects and one set of handcuffs:

- i. Right hand to right hand
- ii. Left hand to left hand
- iii. This procedure causes them difficulty in running

D. Two suspects and two sets of handcuffs:

- i. Hands to rear
- ii. Arms interlocking
- iii. Palms out
- iv. Handcuffs double locked

**Lecture scenario:** Review the following categories on handcuffs with students:

- Parts of handcuffs
- Handcuff nomenclature
- Method of carry
- Handcuff maintenance

E. Supplements to handcuffs:

- i. Tie
- ii. Belt
- iii. Shoelaces
- iv. Strips of cloth
- v. Plastic handcuffs

F. Remember, handcuffs are a temporary restraining device only!

**Lecture scenario:** The focus of most of the cases that have addressed claims that handcuffing constituted an excessive use of force has been the excessive tightening of handcuffs in a manner causing extreme pain or significant injury. The following are examples of such cases.



Discuss with class.

Handcuffs as excessive force:

- Vondrak v. City of Las Cruces, No. 07-2148, 535 F.3d 1198 (10th Cir. 2008), finding that officers were not entitled to qualified immunity on claims that they used excessive force in unduly tightening an arrestee's handcuffs.
- Baskin v. Smith, 50 Fed App. 731 (6<sup>th</sup> Cir. 2002): Handcuffing too tightly and failing to double-lock the handcuffs may lead to an excessive force claim when the officers have been placed on notice of a suspect's complaints, especially if the suspect expresses a medical condition aggravated by the handcuffs.
- In Gousse v. City of Los Angeles, No. BC252804, Superior Court of Los Angeles County, filed June 21, 2001, jury award, November 19, 2003, reported in the *Los Angeles Times*, November 20, 2003, for instance, a surgeon was initially awarded \$33 million in damages for permanent nerve damage to hand, resulting in inability to perform surgery unassisted, following tight handcuffing when he detained by Los Angeles police officers who mistakenly believed that the rental car he was driving was stolen.

**Source:** 2008 (10) AELE Mo. L. J. 101 Civil Liability Law Section – October 2008

### **31.13. Demonstrate techniques of applying handcuffs and other restraining devices.**

**Instructor Note:** Handcuffing skills should be determined by agency policy, equipment, and defensive tactics. System instructor should identify, discuss, and demonstrate the appropriate skills. Students should have multiple opportunities to practice these skills prior to scenario exercise.

**Practical scenario:** Provide each student with a set of handcuffs

- Have students divide into groups of two
- Practice applying handcuffs
- Stress safety throughout the lessons
- Practice exercise: Recommendation of ten (10) repetitions of cuffing static from identified positions. Have student work dominant and non-dominant positions.
- Handcuffing role-play scenario should be used at this point in chapter.

### **31.14. Explain methods of the physical search of suspects.**

**Instructor Note:** Stress safety throughout the lessons.

- A. Standing body search:
  - i. From the rear
  - ii. Watch the arms
  - iii. One holding suspect's waistband from the rear (see note below)
  - iv. Search with free hand
- B. Prone body search:
  - i. Face down
  - ii. Arms extended outward
  - iii. Legs spread
- C. Kneeling body search:
  - i. On knees

- ii. Legs crossed
- D. Standing body wall search:
  - i. Suspect is standing facing a wall or other barrier

**Instructor Note:** The wall search is a high-risk technique. The instructor may need to discuss the wall search techniques that have been used. Information about specific procedures should be obtained from the academy's defensive tactics instructor(s). Wall search techniques should be taught per agency policy if used.

- E. Let an officer's hands do the searching. Officers' eyes should be on subject to observe movement. The advantage of holding suspect's waistband from the rear is officer safety. Should the suspect attempt resistance, they can be pulled backward or pushed forward, giving the officer an opportunity to step away.
- F. Special search considerations:
  - i. Consult departmental policy for searching suspects

**Lecture Scenario:** Review a variety of searching techniques as students practice proper procedures of searching on other students.

### 31.15. Demonstrate techniques of physical search of suspect.

#### Practical scenario:

- The student will successfully and safely demonstrate proper searching techniques
- The student will successfully handcuff and arrest a subject.
- Once under arrest, the student will conduct a full body search of the subject in search of any weapons or contraband.

The student responds to a call of a suspicious suspect who is being held by citizens after burglarizing a local family-owned business. Upon arrival, the officer must effect the arrest of the subject who is non-combative but is verbally abusive and intoxicated.

### 31.16. Explain methods of escorting and transporting suspects.

**Instructor Note:** Officers should consult departmental policy.

- A. Because of the danger involved for the officer, one officer should not attempt to transport more than one prisoner at a time without access to special transporting equipment. For officer safety, a peace officer should search the seating or carrying area of their vehicle for weapons or contraband when going on duty and after each prisoner transport is completed. Suspect(s) are to be handcuffed at all times in every situation, as outlined below.
- B. Escort and transport methods per agency policy and procedure.
  - i. Walking:
    - 1. One officer, one suspect
    - 2. One officer, two suspects
    - 3. Two officers, one suspect
    - 4. Two officers, two suspects
  - ii. Transporting:

1. One officer, one suspect
2. Two officers, one suspect
3. Two officers, two suspects

**Lecture scenario:** Review a variety of escorting and transporting procedures as students practice proper procedures on other students.

**31.17. Demonstrate techniques of escorting and transporting suspects.**

**Practical scenario:**

- The student will demonstrate proper escort and transporting techniques.
- The student will use all safety precautions.

The officer is dispatched to a shoplifter call at a local department store. After taking the subject into custody, the officer will escort the subject to their patrol car safely, placing the subject inside the car.

**31.18. Demonstrate the ability to affect an arrest.**

A. Components:

- i. Keeping subject in sight
  1. Maintaining control
  2. Escort positions
- ii. Verbal communication
- iii. Handcuffing
- iv. Standing a cuffed suspect up from prone, kneeling in a safe and efficient manner
- v. Assessing safety, communication, and de-escalation
- vi. Transporting

**Instructor Note:** Be sure that all students can effectively demonstrate procedures in affecting an arrest.

**Comprehensive Scenarios:** Encompasses chapters on Penal Code, CCP, CIT, Force Operations Theory, and Patrol Skills. The student must:

- Cite what gives them the legal authority to stop the subject. (CCP)
- Determine if there is an opportunity for them to de-escalate the situation prior to the physical confrontation. If so, how? (CIT)
- Approach in a safe manner. (Force Operations Theory)
- Apply the appropriate use of force for the situation.
- Determine what offense the subject violated if anything. (Penal Code)

The student is dispatched to a local gas station on a subject disturbance. The caller is an employee who states that the subject is harassing customers by asking them for money. The employee has asked them to leave but they have refused to do so. Upon arrival, the student sees the subject matching the description given by the caller. The student observes them going up to customers by the gas pumps. As the student approaches the subject, they begin to walk away, ignoring the student who is giving them instructions. As the student approaches, the

suspect begins to physically resist them and now faces the student. The subject then throws a punch at the student. The student(s) must gain control of the subject and place them under arrest using techniques taught in this chapter.