CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Force Options Use of Force/De-escalation Course

Student Workbook

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THE MISSION OF THE CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING IS TO CONTINUALLY ENHANCE THE PROFESSIONALISM OF CALIFORNIA LAW ENFORCEMENT IN SERVING ITS COMMUNITIES

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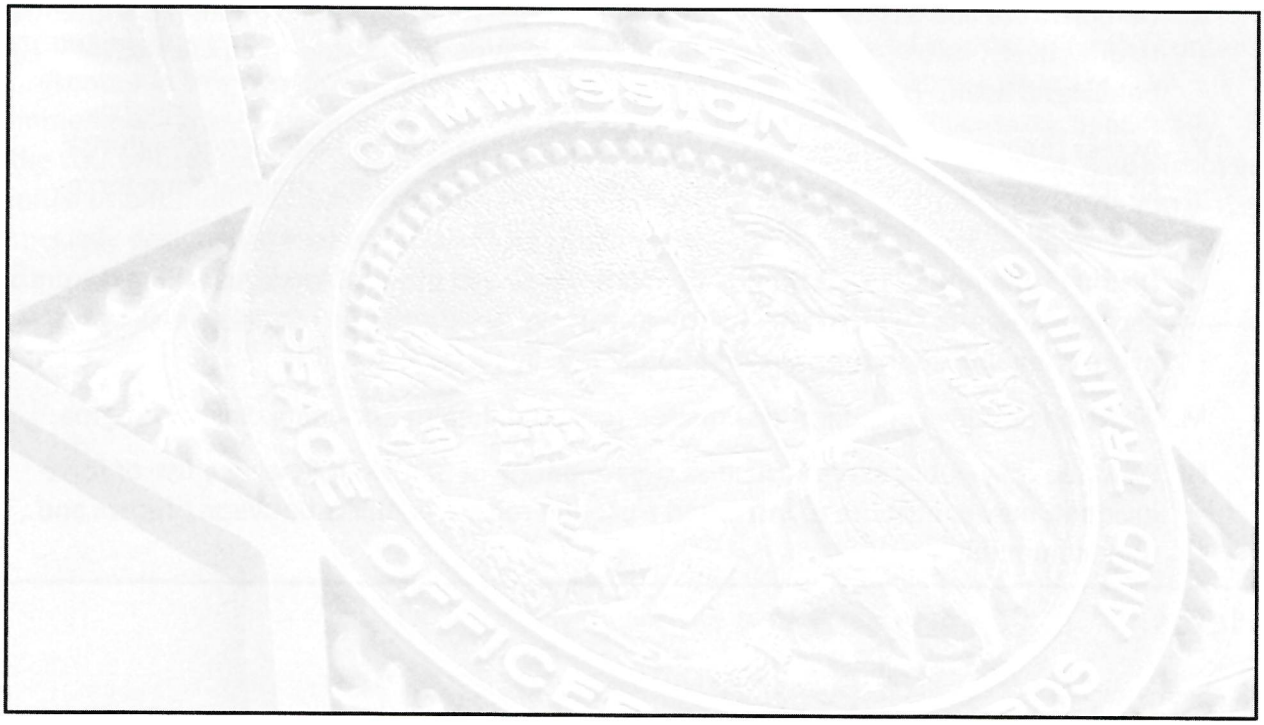


Use of Force Course Objectives

Upon completion of this course, students will be able to:

A. Apply the legal standards for the use of force and explain the application of these standards to use of force situations.

B. Analyze and evaluate their legal duty to intercede and report excessive force to a superior officer.

C. Apply and evaluate the legal standard of *objectively reasonable force* to the use of force.

D. Evaluate and explain the responsibilities of a supervisor in a use of force incident.

E. Review and analyze a use of force incident using pertinent legal standards and department policy.

F. Describe the POST guidelines for the use of deadly force and explain how the guidelines may influence their department policy.

G. Describe their obligation related to state-required reporting mandated by California Government Code § 12525.2.

H. Demonstrate and assess de-escalation and interpersonal communications skills intended to avoid escalating situations and mitigate elevated events.

I. Articulate how human implicit and explicit biases may impact policing, and how officer self-awareness and cultural competency may lessen these effects.

J. Demonstrate and assess de-escalation and interpersonal communications skills intended to effectively, safely, and respectfully interact with people having disabilities or behavioral health issues.

K. Assess their response to scenarios including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decision-making.

L. Distinguish alternatives to the use of deadly force and physical force, including de-escalation tactics and less lethal alternatives that are part of the decision-making process leading up to the consideration of deadly force.

M. Describe policing considerations related to mental health, including bias and stigma.

N. Describe how public service, such as the rendering of first aid following a use of force incident, may contribute to increased trust and reduce conflicts between officers and their communities.

Notes

About this Course

Purpose

This course provides California Peace Officers with training on the use of force and considerations related to the use of force including legal standards, objectiveness, de-escalation, and the need to safeguard life, dignity, and liberty of all persons without prejudice to anyone.

Intent

This course satisfies the requirements of California Penal Code § (PC) 13519.10. It also satisfies the strategic communications and use of force requirements of the POST Perishable Skills Program (PSP) established by Title 11 California Code of Regulations § (CCR) 1005. The course is not intended to teach use of force tactics, but it is instead an examination of the considerations, reasoning, and analysis that occurs concurrent to a use of force incident.

Audience

This course is intended for sworn peace officers assigned to perform general law enforcement or custodial duties. The concepts presented and skills practiced are intended as a refresher and/or practical update for knowledge and competencies already possessed by students.

Presentation Method

This course builds upon and develops existing student skills, knowledge, and attitudes related to the use of force. As a result, the course is facilitated using student-centered instructional strategies that prioritize students' analysis of use of force and related events, using the content presented in this workbook. Students should complete the course with the ability to immediately transfer and apply their learning in their own professional contexts. Specifically, the course uses student scenario performance as the context for class discussion. Aside from an initial orientation and familiarization session, this course consists of student participation in specially designed scenarios followed by whole-class examinations of each scenario using the content in this workbook.

Notes

Safety Plan

This is an abridged version of the safety plan for this course. Refer to classroom postings or see a course instructor for a full copy.

It is the policy of the presenter to provide a challenging training activity, that reflects a true-to-life scenario, in a safe and appropriate manner. To accomplish this, all participants are responsible for adherence to several mandates:

1. To prevent the possibility of any firearm entering the training environment, NO weapons, other than training weapons, will be allowed in the training area.
2. The instructor to student ratio for the lecture portion of this course is 2:25. The Instructor to student ratio for the simulator/scenario portion of this course is 2:25.
3. All instructors shall enforce a professional atmosphere during training and ensure students abide by all published rules of conduct.
4. During the simulator/scenario portion of the class, one instructor shall be identified as the Safety Officer. All regulations and safety procedures will be explained to the class prior to the start of training. The Safety Officer will conduct a search of all participants' equipment and persons, prior to the beginning of training to ensure a safe training environment. The search will be conducted in a professional and courteous manner and in accordance with agency protocol.
5. Students entering the scenario training environment at any time during the training session will be searched for weapons prior to the continuation of training.
6. WHISTLE OR STOP ORDER: The sound of a whistle or a verbal command of "STOP" order shall immediately cause ALL activities to stop.
7. No officers will be armed with or possess any type of live weapon in the training environment. There will be NO firearms, ammunition, OC spray, knives or any other weapon brought into the training environment.
8. All training weapons will be inspected and issued by qualified training instructors ONLY. The instructor will explain all training weapon nomenclature and functionality to the trainees prior to the beginning of class. Students equipped with training weapons will not leave the training area.

Notes:

California Assembly Bill 392

Effective January 1, 2020

California Assembly Bill 392 (AB 392) enacts changes to use of force standards. AB 392 indicates that the use of force must be necessary given the totality of circumstances as reasonably perceived by the officer—essentially the equivalent of objective reasonableness of *Graham v Connor* (490 U.S. 386 [1989]). AB 392 also amends the language of two statutes, applying new conditions and restrictions:

California Penal Code § 196:

The circumstances of justifiable homicide change from when "overcoming actual resistance to the execution of some legal process or in the discharge of any other legal duty" to "the homicide results from a peace officer's use of force that is in compliance with PC 835a."

California Penal Code § 835a:

- PC § 835a(a)
    - Use of force authority conferred on peace officers is a serious responsibility.
    - Deadly force should be used only when necessary.
    - Use of force decisions are to be evaluated carefully and from a "reasonable officer" perspective.
    - Individuals with disabilities may be affected in their ability to understand or comply with peace officer commands.
- PC § 835a(b) Amended reasonable force standard to "objectively reasonable force"
- PC § 835a(c)(1): Amended deadly force standards to include "totality of the circumstances" when:
    - Defending against imminent threat of death or serious bodily injury
    - Apprehending fleeing persons for felony
    - Involving threatened or actual death or serious bodily injury
    - Immediate apprehension is reasonably believed to be needed
    - Requires, when reasonable, that officers identify themselves and warn of intent to use force
- PC § 835a(c)(2): Prohibits deadly force against persons who pose a danger only to themselves.
- PC § 835a(d): Amended self-defense language to include objectively reasonable force.
- PC § 835a(e): Added definitions for deadly force, imminent, and totality of the circumstances.

California Senate Bill 230

Effective January 1, 2020

California Senate Bill 230 (SB 230), passed contingent upon the passage of AB 392, is intended to strengthen and clarify use of force standards for the use of deadly force, agency use of force policies, and use of force training requirements. SB230 and AB392 established these mandates based upon the guiding law enforcement principle of reverence for human life:

The use of force "shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life" (835aPC).

"The authority to use force is a serious responsibility given to peace officers by the people who expect them to exercise that authority judiciously and with respect for human rights, dignity, and life" (SB230).

SB230 created two new statutes:

California Government Code § 7286:

Each agency must maintain a policy that provides a minimum standard on the use of force.

California Penal Code § 13519.10:

- POST shall develop minimum guidelines for the development of use of force policies by California law enforcement agencies.
- POST shall implement a course of instruction in the use of force for California law enforcement.

California Assembly Bill 26

Effective January 1, 2022

AB26 modified Government Code § 7286 to define "intercede". It also required that, among other things, agency policy will include:

- The duty to intercede and report excessive force
- The prohibition of retaliation for interceding and reporting
- The requirement of discipline for failing to intercede in excessive force.

Notes:

PC § 835a Full Text

Following is the full text of PC § 835a, as retrieved from the California Legislative Information web page on July 20, 2021.

https://leginfo.legislature.ca.gov/

(a) The Legislature finds and declares all of the following:

(1) That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.

(2) As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.

(3) That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.

(4) That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the

totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

(5) That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.

(b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

(c) (1) Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:

(A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.

(B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

(2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

(d) A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics.

(e) For purposes of this section, the following definitions shall apply:

(1) "Deadly force" means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

(2) A threat of death or serious bodily injury is "imminent" when, 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 peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

(3) "Totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

(Amended by Stats. 2019, Ch. 170, Sec. 2. (AB 392) Effective January 1, 2020.)

Notes

Legal Standards for the Use of Force

Peace officer use of force standards are established by federal and state law, and department policy.

Federal Standards

- The Fourth Amendment to the United States Constitution prohibits unreasonable seizure, including the use of force.
- *Graham v Connor (490 U.S. 386 [1989])* establishes ***objective reasonableness*** as the standard for police use of force. This threshold is determined based on consideration of the perspective of an objectively reasonable officer on the scene at the time the force was applied, without the benefit of hindsight.
- Officers must consider the totality of circumstances and be able to articulate all factors which contribute to the application of force.

California Standards

Pursuant to PC § 835(a)(2), the federal standard of ***objective reasonableness*** applies with additional considerations:

- The totality of circumstances includes pre-force officer conduct (*Hayes v. County of San Diego*) and subject conduct (PC § 834a and 835a(e)(3)).
- Officers have no duty to retreat but should tactically reposition or use other de-escalation tactics when feasible.
- Officers may not use deadly force when a suicidal subject is not an **imminent** threat to the officer or others, but this does not restrict an officer's right to protect self or others from imminent threat.
- Deadly force will be used only when **necessary** in the defense of human life, in consideration of the particular circumstances of each case AND consideration of other available resources and techniques if reasonably safe and **feasible** (PC § 835 (a)(2)).

Department Policy

California Government Code § 7286 requires that law enforcement agencies establish and make public a use of force policy no later than January 1st, 2021. Each agency's policy must address each of the 20 items required by the statute, including:

> (1) A requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible.
>
> (2) A requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

(3) A requirement that officers immediately report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer.

(4) A prohibition on retaliation against an officer that reports a suspected violation of a law or regulation of another officer to a supervisor or other person of the law enforcement agency who has the authority to investigate the violation.

(5) Clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person.

(6) A requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.

(7) Procedures for disclosing public records in accordance with Section 832.7.

(8) Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents.

(9) A requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

(10) Comprehensive and specific guidelines regarding approved methods and devices available for the application of force.

(11) An explicitly stated requirement that officers carry out duties, including use of force, in a manner that is fair and unbiased.

(12) Comprehensive and specific guidelines for the application of deadly force.

(13) Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to the Department of Justice in compliance with Section 12525.2.

(14) The role of supervisors in the review of use of force applications.

(15) A requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so.

(16) Training standards and requirements relating to demonstrated knowledge and understanding of the law enforcement agency's use of force policy by officers, investigators, and supervisors.

(17) Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

(18) Procedures to prohibit an officer from training other officers for a period of at least three years from the date that an abuse of force complaint against the officer is substantiated.

(19) A requirement that an officer that has received all required training on the requirement to intercede and fails to act pursuant to paragraph (9) be disciplined up to and including in the same manner as the officer that committed the excessive force.

(20) Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted.

(21) Factors for evaluating and reviewing all use of force incidents.

(22) Minimum training and course titles required to meet the objectives in the use of force policy.

(23) A requirement for the regular review and updating of the policy to reflect developing practices and procedures.

Department policy can be more restrictive than federal or state law.
(Long Beach Police Officers' Association v. City of Long Beach, 156 Cal.App.3d 996 [1984])

The publication ***POST Use of Force Standards and Guidelines*** is available for use by law enforcement agencies in developing a use of force policy. These guidelines are available here:

https://post.ca.gov/Portals/0/post_docs/publications/Use_Of_Force_Standards_Guidelines.pdf

Notes

The Duty to Intercede

Federal and state laws describe sworn peace officers' duty to intercede upon witnessing the excessive use of force.

Federal

Title 18, United States Code (U.S.C) § 242 describes the criminal deprivation of civil rights.

State

California Government Code § 7286(a)(4) defines "intercede" as follows:

> *Includes, but is not limited to, physically stopping the excessive use of force, recording the excessive force, if equipped with a body-worn camera, and documenting efforts to intervene, efforts to deescalate the offending officer's excessive use of force, and confronting the offending officer about the excessive force during the use of force and, if the officer continues, reporting to dispatch or the watch commander on duty and stating the offending officer's name, unit, location, time, and situation, in order to establish a duty for that officer to intervene.*

According to California Government Code § 7286, California law enforcement agencies shall maintain a policy requiring officers to:

1. **Immediately report excessive force and**
2. **Intercede upon observing another officer using excessive force.**

In deciding whether to intercede upon witnessing another officer using force beyond that which is clearly necessary, the observing officer must consider 1) the standard of objective reasonableness and 2) the possibility of additional information regarding the threat.

How might officers plan to provide each other with supportive intervention prior to or during elevated events and tensions?

How can an agency promote a culture supportive of the obligation to intercede?

Failure to Intercede

The consequences and liabilities for failing to intercede *may* include:

- Criminal penalties
- Civil penalties
- Administrative penalties
- Moral and ethical dereliction

Federal

Title 42 U.S.C. §1983: The bystander officer – an officer witnessing another officer violating an individual's constitutional rights may also violate federal civil rights law if they had a reasonable opportunity to prevent the harm but failed to act.

State

California Penal Code § 13510.8: California POST may move to decertify officers who fail to intercede upon observing excessive force.

Policy

Pursuant to California Government Code § 7286(b)(9), agency policy shall require that officers be disciplined for failing to intercede, in a manner up to and including the same manner as the officer who committed excessive force.

If there is a duty to intercede, then there is **always** a duty to report potential excessive force pursuant to California Government Code § 7286*(b)(3)*

Notes

Use of Force Reporting

California PC § 12525.2(a) requires that every agency notify the California Department of Justice (DOJ) about incidents involving the:

- Shooting of a civilian by a peace officer.
- Shooting of a peace officer by a civilian.
- Use of force by a peace officer against a civilian results in serious bodily injury or death.
- Use of force by a civilian against a peace officer results in serious bodily injury or death.

As a result, officers and their supervisors have certain responsibilities when a use of force occurs:

Supervisors

Shall ensure proper collection of information to allow annual reporting to the DOJ.

Officers

Shall notify a superior officer of any use of force incident where serious or great bodily injury has occurred or is believed to have occurred.

Notify a superior officer in accordance with department policy following a use of force **not** involving the occurrence or believed occurrence of great bodily injury.

Depending on agency policy and procedure, there are multiple other considerations for supervisors and peace officers following a use of force, including but not limited to:

- *Rendering first aid and ensuring that injured parties are examined and treated by medical personnel.*
- *Interviewing involved officers and witnesses.*
- *Ensuring that photographs have been taken of any injuries and evidence.*
- *Reviewing any use of force reports for completeness, accuracy, adherence to department policy, and to identify potential training issues.*

Notes

De-Escalation and Communication

De-escalation is the process of using strategies and techniques intended to decrease the intensity of the situation. The foundation of police de-escalation is an officer's own capacity for self-awareness, self-regulation, and empathy – they cannot be expected to de-escalate others if they are unable to first defuse themselves.

Strategy Considerations

- How do we approach, greet, engage, adapt, repair, and close events in an effective manner?
- Tactical methods may not be limited to time, distance, cover, and concealment
- The impact of volume, tone, pace, and demeanor on communication
- Giving respect and dignity
- Active listening
- Giving and receiving constructive feedback
- Mindful attention
- Providing a voice to others and the value of allowing people to "vent"
- Non-verbal communication and behavioral cues.
- Questioning strategies: open vs closed-ended
- Persuasion strategies: rational, personal, or ethical appeals
- Dealing with difficult or dominating people
- Inappropriate communication
- WAIT Strategy – "Why Am I Talking?"

PC § 835a(d): *A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.*

Officers have no duty to retreat but should tactically reposition or use other de-escalation tactics when feasible.

Officer Safety and Tactical Considerations

It is imperative that officers be aware of de-escalation tactics and less lethal alternatives to the use of deadly force and recognize that the availability of alternatives is highly context dependent. **Alternatives should not increase the risk to officers, the subject, and the public.** Officers must also be able to identify and respond to police-created exigent circumstances (*Kentucky v. King,* 563 U.S. 452 (2011)).

Given the totality of the circumstances, what alternatives to deadly force may be feasible? Consider:

- Slowing down and creating more time

- Less-lethal weapons availability
- Mental reassessment to produce new perspectives of the event
- Communication, developing rapport, questioning, and persuasion strategies
- Listening
- Tactical repositioning
- Retreat
- Risks and benefits of alternate approaches
    - Other officers' and supervisors' awareness of risks and benefits

Additional information may be found in the POST publication ***DE-ESCALATION: Strategies & Techniques for California Law Enforcement,*** located here:

https://post.ca.gov/Portals/0/post_docs/publications/DeEscalation.pdf

Notes

Persons with Disabilities and Behavioral Health Issues

"Law enforcement encounters with persons who have behavioral health disorders may be challenging, potentially dangerous, and sensitive in nature. The fundamental duty of law enforcement is to protect the community and uphold the mission of the law enforcement profession." (POST, 2020)

Mental illnesses are medical conditions that affect a person's thinking, feeling, mood, and ability to relate to others; and disrupt daily functioning.

Intellectual disabilities are disorders with onset before age 18 that cause challenges in daily life with communication, self-care, home living, self-direction, social/interpersonal skills, academics, work, leisure, health, and safety.

Physical disabilities include neurological disorders, blindness or visual impairment, and deaf or hard of hearing.

For more information, see the POST guidebook:
A First Responder's Guide for Persons with Mental Illness or Developmental Disability

https://post.ca.gov/Portals/0/post_docs/publications/mental-health/Mental_Health.pdf

What are the challenges to policing?

Those with disabilities may experience increased bias and stigma within their communities.

Individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions (*PC § 835a*)

- Disabilities may affect a person's ability to understand or comply with commands from peace officers.
- Individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.

Law Enforcement Response

Considerations include:

- *Intelligence gathering and pre-planning*
- *Consideration of stabilizing and destabilizing influences*
- *Communication and de-escalation strategies*

The verbal, non-verbal, and physical/positional behavior of officers may influence the outcome of a contact with a mentally ill person. How may de-escalation and communications strategies mitigate potential problems?

Notes

Cognitive Biases and Cultural Competency

Biases

Biases arise in all humans when our brains interpret and simplify our complex world. Our brains generalize our experiences to create mental shortcuts that help us think fast and save energy. These shortcuts are responsible for survival but they can also erroneously connect things that aren't related, producing cognitive biases including:

Implicit bias

- Unconscious belief or attitude toward a specific social group that may lead an individual to unknowingly act in discriminatory ways.
- People are generally unaware of their implicit biases and may even hold contradictory conscious beliefs.

Explicit bias

- Conscious belief or attitude toward a specific social group that may lead an individual to act in discriminatory ways.

"[Implicit bias]... is universal due to its evolutionary routes in survival. This means that developing biases based on our associations between different things is hardwired into us, regardless of who we are" (L. James, 2021).

"Categorization—grouping like things together—is not some abhorrent feature of the human brain, a process that some people engage in and others do not. Rather, it is a universal function of the brain that allows us to organize and manage the overload of stimuli that constantly bombard us. It's a system that brings coherence to a chaotic world; it helps our brains make judgments more quickly and efficiently by instinctively relying on patterns that seem predictable. But categorization also can impede our efforts to embrace and understand people who are deemed not like us, by tuning us to the faces of people who look like us and dampening our sensitivity to those who don't" (Eberhardt, 2020).

What's the Difference?

Bias: A disproportionate weighting in favor or against a thing, person, or group that is unfair, unreasoned, or inequitable.

Prejudice: An oversimplified attitude about someone because of their membership in a particular social group.

Stereotypes: An oversimplified belief about someone because of their membership in a particular social group.

Racism: A prejudiced action directed against a person or group based on race.

Bias by Proxy

Occurs when citizens make false or ill-informed reports of misconduct or criminal behavior about persons they dislike or against whom they hold implicit or explicit bias.

How can officers recognize calls for service that are based on bias by proxy?
How might they respond to such calls?
What does your agency policy allow you to do with calls that seem motivated by bias?

Cultural Competency

Cultural competency is the ability to understand, communicate with, and effectively interact with people across cultures. Officers who develop their cultural competencies may have greater success communicating across cultures and managing their own biases.

Cultural competency encompasses four components:

- Awareness of one's own cultural worldview
- Attitude towards cultural differences
- Knowledge of different cultural practices and worldviews
- Cross-cultural skills.

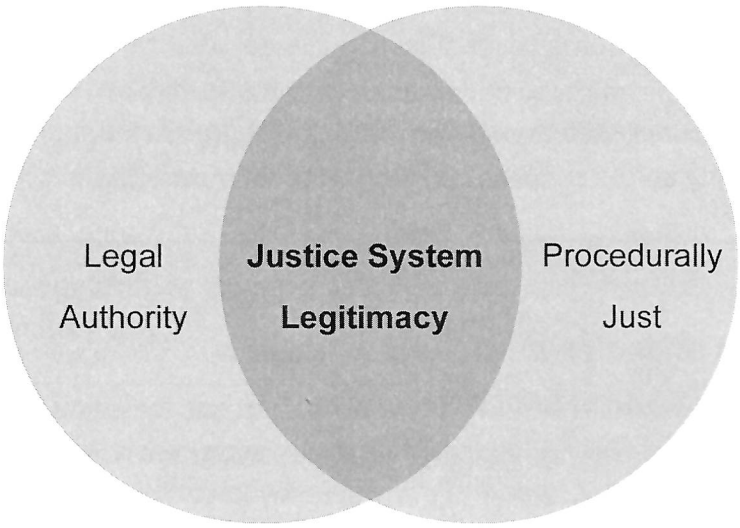
Cultural competence improves interactions with people of various cultures and can enhance community trust, improve both officer and community safety, and reduce confrontation. Culturally competent peace officers have enhanced communication skills of active listening, empathy, effective engagement and better understand the needs of people in delivery of public service.

- POST Basic Course Workbook Learning Domain 3

Notes

Justice System Legitimacy and the Use of Force

When people view formal authorities (such as the justice system) as legitimate, they are more likely to accept the decisions of the authority even when those decisions are not personally favorable. Legitimacy arises from people's perceptions of fairness, which has since become known as *procedural justice*. Citizens are more likely to perceive the police as legitimate if they believe the police are behaving in **procedurally just ways** and they have the **legal authority** to do so (Tyler, 2006)



Law enforcement may be perceived by society as representing the entire justice system. Consequently, public perception of procedural justice in policing can increase public perception of the legitimacy of the entire justice system.

The Four Tenets of Procedural justice

Respectful ***treatment***

Giving people ***voice***

Acting ***neutrally*** *and transparently*

Demonstrating ***trustworthy*** *motives*

What does procedurally just policing look like in the community?
What does procedural justice look like inside a law enforcement agency, among agency members?

Officers have daily opportunities to demonstrate to the public a position of impartiality and equitability via acts that are procedurally just, such as:

- Rendering first aid after a use of force
- Using force that is reasonable according to law and policy

- Where allowable and/or required by law and policy, consider increased public transparency following a use of force. (PC § 832.7)

➢ Public interaction during discretionary time and non-use of force events

Consider: what may be the impact to legitimacy if law enforcement is perceived to behave in ways that are not procedurally just?

The manner in which a contact is ended today may influence the outcome of a future contact.

Notes