





1






Uniform Statewide Policies and Training

SEA 294 (2022)

- IC 5-2-1-1(b) was amended to include a requirement that the LETB establish a **consistent and uniform statewide deadly force policy and training program and defensive tactics policy and training program**
 - These policies must be consistent with state and federal law
- Upon adoption by the law enforcement training board, the uniform statewide policies and training programs above **must be implemented, without modification**, by all Indiana law enforcement agencies, offices, or departments

2






Uniform Statewide Minimum Standards

SEA 294 (2022)

- IC 5-2-1-1(b) was amended to include a requirement that the LETB establish a **uniform statewide MINIMUM standard for vehicle pursuits**
 - This policy must be consistent with state and federal law
- Upon adoption by the law enforcement training board, the uniform statewide minimum standard must be **incorporated** into the existing policies, procedures, rules, or general orders of all Indiana law enforcement agencies, offices, or departments.

3

Uniform Statewide Policies and Training

It is the policy of the Law Enforcement Training Board to value and preserve the sanctity of human life:



- The key component in accomplishing this goal while upholding and enforcing the laws of the State, is ensuring that all law enforcement officers shall only use force, non-deadly or deadly, in compliance with the law, the statewide uniform policy, and the Board established training program.
- To ensure the safety of law enforcement officers and others, it is essential that officers are educated, trained, and proficient in defensive tactics techniques to ensure the officer uses only objectively reasonable force to enforce the law, to effect a lawful arrest, and/or to prevent the escape of the person from custody.
- No officer shall fail to use due regard while operating or using an authorized emergency vehicle.

4




Deadly Force

5






Consistent and Uniform Statewide Policy on Deadly Force

The policy must be implemented by all Indiana law enforcement agencies, offices, and departments no later than **January 1, 2024**.

The training program is being completed and will be presented to the Law Enforcement Training Board for discussion well in advance of the implementation date.

6



Use of force (arrest/escape)

IC 35-41-3-3:

Reasonable force is justified if the officer **reasonably believes force is necessary** to enforce a criminal law or make a lawful arrest.

A law enforcement officer is justified in using **reasonable force** against any other person to **protect** the officer or a third person from what the officer **reasonably believes** to be the **imminent use of unlawful force**.

7






Reasonable Force

- Were the officer's actions **objectively reasonable** given the totality of the facts and circumstances at the time?
- To determine if the officer's use of force was **reasonable**, the Court conducts a **careful balancing** of the **nature and quality** of the intrusion on a person's right to be free from unreasonable seizures of their person, against the **government interests** at stake.
- Objective Standard: Reasonableness is determined from the perspective of a **reasonable officer** given all of the facts and circumstances known at the time.

Graham v Connor, 490 US 386 (1989)

8

Proportionality and the *Graham* Standard

Objectively Reasonable is judged in the light of the countless facts and circumstances facing the officer, which includes a consideration of the following:

- Was the suspect armed?
- Was the suspect actively and/or forcibly resisting?
- Had the suspect just committed a crime? What was the crime?
- Did the suspect charge the officer?
- Did the suspect indicate an intention to harm the officer or a third person?
Did the suspect harm someone?
- Was the officer's response proportional?

9



Minimum Force and the *Graham* Standard

In *Graham*, the U.S. Supreme Court recognized that law enforcement officers **do not need to use the minimum amount** of force in any given situation.

Rather, the officer must use a force option that is **objectively reasonable** based upon the **totality of the circumstances known** to the officer at the time the force was used.

10



Use of Force

- Officers **MUST STOP** using force when a suspect has been properly secured, provided that the suspect has stopped his active or forcible resistance
- As soon as safe and practical, an officer must provide appropriate medical aid if needed

11



Use of force (arrest/escape)



IC 35-41-3-3:

Deadly force is justified only if the officer has:

1. Probable cause to believe that deadly force is necessary:
 - to prevent the commission of a forcible felony, or
 - to arrest a suspect the officer has **probable cause** to believe poses a threat of **serious bodily injury** to the officer or another person; AND
2. has given a warning, if feasible, to that suspect

Not simply to prevent the escape of an arrested person: the officer must have probable cause to believe the person in custody who is escaping poses a threat of serious bodily injury to the officer or others and give a warning if feasible

12



Deadly Force

Tennessee v Garner, 471 US 1 (1985):

The U.S. Supreme Court held that the use of deadly force against an **apparently unarmed, fleeing suspect who poses no danger is objectively unreasonable.**

Where the suspect poses **no immediate threat** to the officer or others, the harm resulting from failing to apprehend a fleeing suspect does not justify the use of deadly force.



13

Definitions

- Choke Hold IC 35-41-3-3
- Deadly Force IC 35-31.5-2-85
- Deadly Weapon IC 35-31.5-2-86
- Forcible Felony IC 35-31.5-2-138
- Serious Bodily Injury IC 35-31.5-2-292



14

Resistance Definitions

- Passive resistance: a non-forcible act that is intended to impede, hinder, or delay the effecting of an arrest (ignoring a lawful command, "going limp").
- Active resistance: a subject who is uncooperative and engages in physical action(s) that prevent(s) an officer from being able to lawfully exercise their duties (fleeing, pulling away using force that involves the use of power, strength, or violence).
- Forcible resistance: the use or imminent use of force (non-deadly or deadly) directed toward an officer which interferes with the law enforcement officer's rightful exercise of their duties (hitting, punching, weapons).



15

De-escalation

- **De-escalation:** An officer shall attempt to engage in de-escalation prior to using force when safe and feasible to do so.
- Agencies must train de-escalation techniques **annually** as an in-service requirement under IC 5-2-1-9(g).

16






Deadly Force Procedure

Officers **SHALL NOT:**

- Discharge any warning shot. The objectively reasonable discharge of a firearm in the direction of an individual, against whom deadly force is allowed by law, with the intent to assist an officer or third-party who is in imminent danger, is not considered a warning shot;
- Discharge a firearm at or from a vehicle except in situations where deadly force is allowed by law;
- Use force against a person who is merely verbally abusive; or
- Use a choke hold except in situations where deadly force is allowed by law.



17

Duty to intervene

A law enforcement officer who is **present** and observes another officer using force that the officer **has reason to know** is excessive under the circumstances **shall have a duty to intervene** when it is safe and feasible to do so.

18

Duty to intervene

Duty to Intervene



Duty to intervene applies equally to supervisory and nonsupervisory officers. An officer who is **present** and **fails to intervene** to prevent other officers from infringing on the constitutional rights of citizens is liable under Sec 1983 if that officer had reason to know:

1. excessive force was being used, or
2. a citizen has been unjustifiably arrested,

and the officer had a **realistic opportunity to intervene** to prevent the harm from occurring

Yang v Hardin, 37 F.3d 282 (7th Cir. 1994)

19






Duty to intervene

Training:


- While the deadly force policy may not be altered or amended, trainings that support the concepts outlined, such as scenario-based training on intervention techniques and policies on reporting requirements **MAY** be adopted by law enforcement agencies.

20

Vehicle Pursuits

21




Statewide Minimum Standards for Vehicle Pursuits

The policy must be **incorporated into** the policies, procedures, rules, and general orders of all Indiana law enforcement agencies, offices, and departments no later than **January 1, 2023**.

The training program will be finalized and made available on the Indiana Law Enforcement Academy website prior to January 1, 2023.

22




Definitions

Policy defines terms that are typically used in statutes regarding the authorized use of emergency vehicles, the requirements of using that equipment, and techniques involving the use of authorized emergency vehicles, including:

- Emergency Driving
- Lawful Intervention Technique
- Paralleling
- Precision Immobilization Technique

23





Pursuit Driving

Consideration for the risk to public safety is the primary concern when officers initiate or assist in any vehicle pursuit.

The Primary Officer shall engage emergency lights **and siren**.

Involved officers and supervisors shall continually evaluate the risks of the pursuit against the need for apprehension.

24






Pursuit Driving

Officers have a duty to drive with **due regard for the safety of all persons** in all emergency and pursuit driving situations.

Unmarked vehicles and motorcycles shall relinquish the lead to a marked authorized emergency vehicle when safe and feasible to do so.

25



Vehicle Pursuit Evaluation

A pursuit should not begin, nor be continued, when the need for immediate apprehension is very low and the totality of risk to public safety is very high.

Evaluation should include:

- The violation or crime
- Imminent danger to the public
- Time, weather and road conditions, traffic conditions, visibility, population density
- Need for apprehension (positive identification of driver, danger in non-apprehension)

26






Lawful Intervention Techniques

Outlines the safety protocols that shall be followed when using a lawful intervention technique to attempt to cause a fleeing vehicle to stop, such as:

1. Roadblocks
2. Tire Deflation Devices
3. Precision Immobilization Techniques



27

Termination Decisions and Reporting


The policy discusses the decision to terminate a vehicle pursuit, protocols with termination, and appropriate notification policies.

28

Consistent and Uniform Statewide Policy and Training Program on Defensive Tactics

29



QUESTIONS

30
