

## JANUARY ROLL CALL TRAINING

### High Risk Critical Task / Use of Force

Any review of law enforcement's use of force must begin by outlining the constitutional authority on the use of force by law enforcement officers. The basic rule governing use of force is that all uses of force by a law enforcement officer against a free citizen must be objectively reasonable. In *Graham v. Connor*, the U.S. Supreme Court established a formula for determining the reasonableness of all law enforcement uses of force. The most important aspect of *Graham* is the three-factor test in which all uses of force are judged. The three *Graham* factors are:

1. The severity of the crime at issue,
2. Whether the subject posed an immediate threat to the safety of the officer or others, and
3. Whether the subject was actively resisting arrest or attempting to evade arrest by flight.

**Scenario:** Uniformed officers are dispatched to a domestic violence call where a man has punched his wife in the face at a motel and threatened to kill her. When officers arrive, they encounter the wife who has a bloody nose, and the husband is on an exterior second floor walkway of the motel. The officers tell the man to stop, but the man flees on foot and then swings his leg over the walkway railing as if he is about to jump from the second floor to the parking lot ten feet below. The officer draws his taser and shouts, “stop, or I’ll tase you!”

**Question:** Based on policy and training, would the use of a taser in this scenario to stop the man’s flight and effect the arrest be objectively reasonable?

Graham Test Analysis:

1. How serious is the offense the officers are investigating? Physically assaulting and threatening to kill another is a serious offense.
2. Is the man a threat to the officer or others? Yes. The suspect has committed a violent assault on his wife and threatened to kill her. Additionally, the subject’s non-compliance and attempt to flee creates a risk to the officers.
3. Is the man actively resisting or attempting to evade arrest by flight? Yes.

**Answer:** Although the subject has committed a serious offense, poses a threat to the officers and others, and is attempting to flee, officers should not use electronic control devices on subjects who are located on elevated surfaces where there is a risk of serious injury or death due to a fall.