

Course Title: Understanding and Managing Law Enforcement Temporal Arrest-Related Deaths

Course Length: 16 hours

Audience: Law enforcement officers; correction officers, administrators, instructors, investigators, attorneys, risk managers, media, interested parties, and others

Course Description:

While very rare in occurrence, law enforcement temporal arrest-related deaths (ARDs) involve numerous and complex issues including: capture, control, and restraint; law enforcement officers' (LEO's) use of force (UoF) and force and restraint options; contributors and causes, and manners of death; law enforcement agency (LEA) policies, procedures, guidance, and training issues, first-responder planning and coordination, investigations, foreseeable consequences, and emerging liability issues.

A variety of case decisions across the federal appellate courts have impacted the UoF landscape, particularly as it applies to ARDs, restraint equipment, and the use of intermediate weapons, including Conducted Energy Weapons (CEW). Public and media scrutiny and criticism routinely follow such events. Too often officers are criminally prosecuted. Civil lawsuits are commonly filed and various liability issues emerge. This presentation examines the liability trends and the outcomes of published 42 U.S.C. § 1983 UoF and ARD litigation involving over 1,300 cases. The recent trends in criminal prosecution of involved LEOs is also addressed. Over 30 variables are discussed and case studies are assessed (videos and written summaries).

The presentation provides assessments of ARD-related case decisions involving prone restraint, weight force, various restraint devices, CEWs and other intermediate weapons, and cases involving multiple-officer response. Law enforcement response to the mentally impaired and those under the influence of chemical substances, including excited delirium syndrome (ExDS) based on the current scientific research are discussed. Common liability issues and the force criteria applied by the courts are addressed, as well as examining policy and training issues, assessing LEO UoF decision making/field applications, and applicable supervisory issues are also examined. Participants will be able to return to their LEA to update policy, training, and improve field response.

Course Objectives:

The objective of the presentation is to examine the common trends and outcomes of published 42 U.S.C. § 1983 litigation regarding ARDs after the use of various UoF equipment and techniques. The presentation will assess the patterns of the force criteria applied by the courts. The objective includes broadening attendees UoF liability knowledge as they relate to factors temporally associated with ARDs. Objectives include:

- Preparing and analyzing objective ARD timelines (pre-incident to conclusion of final legal appeals)
- Understanding the rarity and numbers (frequencies) of ARD-related events
- Understanding where ARD complications arise (importance of the science, legal procedures, law, and scientifically inept decisions and foreseeable consequences)

- Examining the liability outcomes and trends of 1,300 published 42 U.S.C. § 1983 cases during seizure and detention situations
- Examining the variances and trends in application of the Graham and Kingsley standards and additional criteria used by federal circuits in assessing claims of excessive force, restraints, intermediate weapons, providing medical aid, duty to protect
- Examining the current status of the scientific research and the association with ARDs, uses of varying force options and equipment, and the impact on courts' decision making
- Examining the common trends of subject behaviors, including the mentally impaired, those under the influence of a chemical substance, and subjects showing ExDS features and mind-body disconnect who LEOs confront in ARD incidents
- Examining the trends of common liability variables courts often assess, courts' threat risk analysis model, and review courts' decisions
- Examining case study examples, incident and media videos
- Examining policy and training implications which emerge from these cases as well as preparing the LEOs' reporting
- Describing recommended strategies for field decision making, LEOs' responses, and supervisory reviews, and
- Describing strategies for preparing for court testimony