

Idaho POST High Liability Endorsement Instructor Topics

Executive Summary

Under IDAPA 11.11.01.123, POST certified instructors must obtain additional endorsements to instruct any topics deemed “high liability” by the Council. High Liability Endorsements are limited to instructor subjects which have either a direct use of force application, or have a significant use of force element. Those subjects which have a significant use of force element, also carry a significant risk of death or serious physical injury to anyone involved in an incident. The Council added the following instructor categories to the list of High Liability Instructor Topic Endorsements on December 6, 2018 (Under the now expired IDAPA rules, Defensive Tactics, Firearms, Emergency Vehicle Operations, and Conducted Energy Devices were already High Liability topics). Under the IDAPA rules in effect as of July 1, 2019, those four High Liability topics are no longer specifically listed, but are included here.

Below is a proposed modification to the list and a request for final approval by the POST Council. The modifications to the original list approved by the Council in December 2018, now adds relevant instructor courses a prospective instructor needs to be certified as a POST High Liability Endorsed instructor. In cases where there is no instructor, or train-the-trainer course, we have included a list of courses, or their equivalents, to establish a baseline standard for the prospective instructor to meet. This will also assist the Regional Coordinators by ensuring the baseline standards are uniformly applied statewide.

Active Shooter Instructor

Rescue Task Force (Proposed National Fire Protection Standard 3000, Rescue Task Force)

Appropriate Use of Force Instructor (Juvenile Only)

Bombs and Explosives Instructor

Explosive Breaching Instructor

Ballistic and Mechanical Breaching Instructor

Cell Extractions Instructor

Conducted Energy Device Instructor

Crisis Negotiations (Hostage) Instructor

Crowd Control Instructor

Defensive Aerosol Instructor

Defensive Tactics Instructor (ARCON)

Emergency Vehicle Operators Course Instructor

Firearms Instructor

Handgun

Shotgun

Patrol Rifle

Sniper, Sniper Observer

Less Lethal Weapons Instructor

Noise Flash Device Instructor

Chemical Agent Instructor

Impact Munitions Instructor

Patrol Canine Instructor

Tactical Team Instructor

SWAT Tier 1 Team (National Tactical Officers Association (NTOA) specifications)

SWAT Tier 2 Team (NTOA specifications)

Tactical Response Team (NTOA specifications)

Use of Force Instructor

INFORMATION-

Many of the courses listed under each high liability category may have courses that are listed as “equivalent.” In those cases, the determination of what constitutes an equivalent course will be made with the following guidance:

The course must be similar in nature and in the number of training hours. For example, attending an eight hour block of training will not be considered equivalent to a 16 hour block of training.

Final determination of whether a course will be considered equivalent will be made by the POST Regional Coordinator. If necessary, the Regional Coordinator will consult with the other POST Regional Coordinators, or the POST Division Administrator for final determination of the applicability of the “equivalent” course proposed by the prospective instructor.

All high liability endorsed instructors must also meet all minimum requirements to be a POST General Topics Instructor prior to, or contemporaneously with, the application for high liability instructor status.

High Liability Topic

Active Shooter

Subcategory- Rescue Task Force Instructor

Instructor minimal requirements:

- Active Shooter Instructor Course (ALERRT, ALICE, NTOA, or equivalent)

Justification:

According to the IACP Active Shooter Concepts and Issues paper (2014), an Active Shooter Instructor must be able to adequately teach the following subjects:

- Practical, scenario-based exercises
- Special emphasis on primary mission objectives (stopping the threat)
- Joint training with local fire and EMS
- Ensuring resources between emergency responders are coordinated
- Use of small unit tactics
- Provisions for equipment (rifles, helmets, enhanced ballistic & load bearing vests, ballistic shields, window access, forced entry tools, and trauma kits.)

Teaching practical scenarios is not an easy proposition. Proper scenario development includes a fundamental understanding of safety practices, adult learning methods, case law, liability, documentation, and scenario planning. Additionally, the Active Shooter Instructor must also be able to teach judgement and decision-making as it applies to using force. The instructor must be able to assist students understanding that the student may have to use force all the way up to deadly force.

This category also covers changes to Active Shooter training through advances in training and cooperative efforts between law enforcement and the emergency medical services (EMS). In June, 2017 The National Fire Protection Association established a committee to develop NFPA 3000, *Standard for Preparedness and Response to Active Shooter and/or Hostile Events*. Organizations such as ALERRT are already providing training that blends law enforcement and EMS response to active shooter events. Therefore, Rescue Task Force Instructor, and similar instructorships, would fall under the auspices of an Active Shooter Instructor category.

Appropriate Use of Force Instructor (Juvenile Only)

Instructor minimal requirements:

- Idaho Department of Juvenile Corrections Appropriate Use of Force Instructor Course

Justification:

Appropriate use of force (AUF) is the Juvenile Corrections defensive tactics and control use of force program. Like any use of force, there is a measure of risk of injury to the officer and suspect. This program is designed to control juveniles who are actively resisting juvenile detention officers, or are posing a risk to another person within the juvenile corrections environment.

Bombs and Explosives Instructor

Subcategory- Explosive Breaching Instructor, Ballistic/Mechanical Breaching Instructor

Instructor minimal requirements:

- Comprehensive EOD course (Redstone Arsenal, or equivalent)
- Time in service- 5 years (Previous military EOD time in service may be considered)
- Practical experience (Previous military EOD experience may be considered)
- Explosive breaching course if instructor intends to teach explosive breaching and maintains all manufacturer training and certification requirements.
- Ballistic/mechanical breaching instructors must complete the Idaho POST Shotgun Instructor Course and any breaching instructor courses, as well as maintain any manufacturer training and certification requirements.

Justification:

Disarming improvised and military explosive devices carries significant risk of death. Although explosives are not typically used in force situations, there is the possibility. Dallas PD demonstrated that potential in 2016 with the suspect who had killed five DPD officers. There is very specific technical knowledge an EOD technician must have. Anyone intending to teach EOD must have the necessary knowledge, skills, and abilities.

If an instructor wants to teach explosive breaching, this is using explosives to create a breach point into a location. There is significant risk of death or serious injury when explosives are used. Again, as in EOD, there is very technical information, safety processes, and procedures to use explosives for creating a breach into a location.

Mechanical breaching utilizes a number of tools and techniques which have elements found within the Tactical Team Instructor training. One critical aspect of breaching is the use of ballistic materials, such as breaching rounds (compressed zinc, or copper powder into a slug) or the use of 12 gauge shotgun ammunition to breach locks and hinges. As a result, the instructor

would be teaching the function and use of a 12 gauge shotgun. A mechanical breaching instructor who would also teach ballistic breaching would need to understand the liability and risks associated with their use. They must also have a fundamental understanding of entry tactics used in a tactical setting.

Cell Extractions Instructor

Instructor minimal requirements:

- Cell Extraction Instructor Course (16 hours, or more)
- Less Lethal Weapons Instructor (32 hours, or more)
- Alternative to the Less Lethal Weapons Instructor Course- Taser Instructor Course (20 hours)

Justification:

Cell extractions are the result of an inmate who is refusing to cooperate, or creating other safety issues, in a correctional/detention setting. In order to control the situation, officers must enter into the same space as the inmate to reestablish control. Some level of force is going to be used. Therefore, it is critical that the cell extraction instructors be able to accurately convey use of force information, case law, liability, and proper judgement and decision making when training law enforcement officers in cell extraction.

Conducted Energy Device Instructor

Instructor minimal requirements:

- Conducted energy device instructor course relevant to the particular device issued by the instructor's employing agency and,
- Maintain manufacturer's instructor certification

Justification:

Conducted energy device was previously listed in IDAPA Rule 11.11.01.254 (prior to July 1, 2019) as a high liability subject and requiring a high liability instructor endorsement. Although that specific designation has been removed (effective July 1, 2019), conducted energy device instructor is still considered a high liability subject.

Crisis Negotiations (Hostage Negotiator) Instructor

Instructor minimal requirements:

- Basic Crisis (or Hostage) Negotiator Course (40 hours)
- Advanced Crisis (or Hostage) Negotiator Course (24 hours or more)
- Alternative to separate Basic and Advanced courses are the International Association of Hostage Negotiators certification program offered through Public

Agency Training Council (PATC) and maintain the PATC biennial certification requirement.

- A minimum of three (3) years' experience on a crisis (or hostage) negotiation team

Justification:

A crisis (hostage) negotiator is to be differentiated from a crisis intervention team instructor. A crisis negotiator is one who works with a SWAT team to help defuse tactical situations involving barricaded subjects and hostage takers. Although there may be overlapping issues, such as someone in a mental health crisis, the situations are more dynamic and risky.

The training should be specific to those more dynamic situations and involve training on coordination with the SWAT team leadership.

Since there are no negotiator instructor courses, a prospective crisis negotiation instructor must have training and experience requisite with the nature of this discipline.

This is not the Crisis Intervention Team (CIT) training. CIT is dealing with mental health issues from a patrol/detention setting and not in a tactical environment where the negotiator is dealing with a hostage taker, or a barricaded suspect. Although, there may be mental health issues involved, this is a different topic than a typical CIT response.

Crowd Control/Crowd Management Instructor

Instructor minimal requirements:

- Crowd Control, Crowd Management Instructor Course (Mobile Field Force Instructor), or equivalent (40 hours or more)
- Center for Domestic Preparedness Critical Mass Protest Training, or equivalent (CDP Field Force Extrication Tactics) (24 hours)
- Alternative to the CDP Mass Protest Training- Less Lethal Weapons Instructor (32 hours, or more)

Justification:

Crowd management training involves the use of batons and other less lethal weapons. The instructor must have a working knowledge of how these weapons are used in a crowd management situation. Additionally, training should include dealing with protestors, protestor devices, and dealing with increasing levels of protestor violence.

There is specialized training and equipment needed to remove protestors from protestor devices such as tripods, sleeping dragons, lockboxes, arm tubes, and other similar devices. The potential for injury can be significant if a protestor is not dislodged correctly.

Defensive Aerosol Instructor

Instructor minimal requirements:

- Pepper Spray (OC Spray) Instructor Course (8 hours or more)
- Maintain manufacturer, NTOA, or other Instructor certification (Similar to the Conducted Energy Devices Instructor certification requirements)

Justification:

The use of defensive aerosol weapons (OC, Mace, etc.) has been determined by the courts to be an “intermediate” use of force (*Young v. County of Los Angeles*, #09-56372, 655 F3d 1156 (9th Cir. 2011)). Since the 9th Circuit Court has placed defensive aerosol weapons (DAW) as an “intermediate” weapon, defensive aerosol weapons are now legally at the same level as a baton, conducted energy devices, and hard hand control tactics. Of the three other intermediate weapons listed, here, all of them are currently high liability instructor topics.

Faber (2014) lists a number of cases involving DAW and their place in force applications. It is clear that DAWs are use of force, which has been placed at an intermediate level; therefore, this should be placed into a high liability instructor topic, as other intermediate weapons are.

Defensive Tactics (ARCON) Instructor

Instructor minimal requirements:

- Idaho POST ARCON Instructor course
- Alternative to the Idaho POST ARCON- Los Angeles, CA Police Department ARCON Instructor Course (80 hours minimum)

Justification:

Arrest and control tactics was previously listed in IDAPA Rule 11.11.01.254 (prior to July 1, 2019) as a high liability subject and requiring a high liability instructor endorsement. Although that specific designation has been removed (effective July 1, 2019), defensive tactics is still considered a high liability subject.

Because the ARCON training covers a broad range of topics, the individual categories of Ground Control Instructor, Reactive Impact Weapons Instructor, and Weapon Retention Instructor will now fall under the singular Arrest and Control Tactics Instructor.

Emergency Vehicle Operators Course (EVOC) Instructor

Instructor minimal requirements:

- Idaho POST EVOC Instructor Course
- Alternative to the Idaho POST EVOC Instructor Course- Las Vegas, NV METRO EVOC Instructor Course

Justification:

EVOC was previously listed in IDAPA Rule 11.11.01.254 (prior to July 1, 2019) as a high liability subject and requiring a high liability instructor endorsement. Although that specific designation has been removed (effective July 1, 2019), EVOC is still considered a high liability subject.

Firearms Instructor

Subcategory- Shotgun Instructor, Patrol Rifle Instructor, Sniper/Sniper Observer Instructor

Instructor minimal requirements:

- POST Handgun Instructor Course
- POST Shotgun Instructor Course (POST Handgun Instructor Course pre-requisite) if teaching using the shotgun for less lethal deployment
- POST Rifle Instructor Course (POST Handgun Instructor Course pre-requisite) if teaching patrol rifle.
- Sniper Instructor course (40 hours, Team One Network (Safariland) Sniper Instructor for example, or equivalent), if teaching sniper/observer in any capacity.

Justification:

Firearms was previously listed in IDAPA Rule 11.11.01.254 (prior to July 1, 2019) as a high liability subject and requiring a high liability instructor endorsement. Although that specific designation has been removed (effective July 1, 2019), firearms is still considered a high liability subject.

One of the unintended consequences of this particular IDAPA Rule change (prior to July 1, 2019) has resulted in a dramatic drop in attendance at POST Shotgun, and POST Patrol Rifle Instructor courses. For example, no POST Shotgun Instructor course has been completed since this rule change has gone into effect. All POST Patrol Rifle Instructor classes planned in Region 4, in 2018, were cancelled due to a lack of registrations. This included two agency hosted classes where the minimum number of students was six and they still had to cancel the classes.

Under the current operation of the rule, once a student has successfully completed the POST Handgun Instructor Course and been certified as a POST Firearms Instructor, students and agencies no longer are required to attend the POST Shotgun, or POST Patrol Rifle Instructor courses.

This has not prevented agencies from utilizing an instructor who has attended the POST Handgun Instructor course from teaching these other weapon systems. In fact, in at least one case, an agency had discussions within the organization specific to this point and that the agency

would save money by not sending instructors to the shotgun or rifle class, yet still be able to utilize them to teach those weapon systems because of this rule change.

Additionally, POST has provided firearms instructor refresher courses and for the most part those classes are cancelled due to a lack of registrations- in spite of the current IDAPA Rule (11.11.01.123 Requirements for High Liability Instructor Endorsement, July 1, 2019) wherein instructors must "...complete at least eight hours (8) of continuing instructor training every two (2) years, to include use of force law, liability, and further instructor training specific to the endorsed topic area(s)."

Aside from the change regarding shotgun and patrol rifle instructor, Sniper instructor has fallen outside the firearms instructor requirements. In the past, it was under the Tactical Team Instructor. However, because this is a firearms related issue, more than a tactical team issue, Sniper Instructor is being moved under the firearms instructor category.

Less Lethal Weapons Instructor

Subcategory- Noise/Flash Diversion Device Instructor, Chemical Agent (including OC/Pepper Spray) Instructor, Impact Munitions Instructor, Ballistic Breaching Instructor

Instructor minimal requirements:

- Less Lethal Weapons Instructor Course (32 hours or more)
- Alternative to the full Less Lethal Weapons Instructor Course, attendance at a specific instructor course, for a specific weapon system. For example, attending the eight hour Safariland (Defense Technologies) Chemical Agents Instructor Course, which is a lesser included class within the Defense Technologies Less Lethal Weapons Instructor Course (32 hours). Instructors attending a specific portion of an instructor course would be limited to teaching that specific area only in conjunction with the specific manufacturer certification.
- Maintain manufacturer, NTOA, or equivalent Instructor certification (Similar to the Conducted Energy Devices Instructor certification requirements)

Justification:

Less lethal weapons are classified as intermediate weapons. Each of the three types, noise/flash diversion devices (NFDD), chemical agents (CA), and impact munitions (IM) all have the potential to cause death, or serious physical injury, even if used properly. Each of them comes with unique properties that benefit the law enforcement mission, but they must be used properly. Therefore, it's not just the application of the weapons an instructor must be proficient with; they must also be able to assist students in proper judgement and decision-making before deploying a less lethal weapon.

For brevity, each weapon will be itemized with case law, or recognized practices, to explain the level of care and concern an instructor must have when teaching less lethal weapons.

NFDD-

Langford v Gates 43 Cal. 3d 21- Court cited the planning and training of the LAPD. *US v Meyers* 10th Cir- The officer came close to a 4th Amendment violation with the use of the NFDD.

Deployment concerns related to causing serious physical injury, property damage.

Chemical Agents-

Deployment concerns related to unintended disruption to the community, such as hospitals, schools, office buildings, etc. Safety related to potential for injury and property damage. Farber (2014) lists a number of cases which clearly establish the use of CA as a use of force.

Impact Munitions-

Potential to cause death or serious physical injury- it's not a matter of "if" an injury will occur, it's a matter of how severe the injury will be. Additionally, instructors must be able to balance the primary concern related to impact munitions- the potential for injury, against the primary consideration- accuracy, in determining the proper weapon selection and deployment.

Impact munitions are classified as "intermediate" weapons, such as batons. Lexicon in the mid 90s referred to impact munitions as extended range impact batons.

Deorle v Rutherford 242 F.3d 1119 (9th Cir. 2001). Use of 12 gauge bean bag was excessive. Applied considering mental status of subjects to the Graham analysis. Established the need to give warnings before their use, if feasible.

Patrol Canine Instructor

Instructor minimal requirements:

- Previous experience as a certified civilian law enforcement canine handler (apprehension) consistent with current IDAPA Rules
- Canine Instructor Course

Justification:

According to the IACP Patrol Canines Concepts and Issues paper (2015), "The importance of training for canine teams cannot be overstated" (p.3). They cite *Robinette v. Barnes* (854 F.2d 909 (6th Cir. 2002)) to support this position. The Court, in *Robinette* stated "...when a properly trained dog is used in an appropriate manner to apprehend a felony suspect, the use of the dog does not constitute deadly force. While the officer's intent in using a police dog, or the use of an improperly trained dog, could transform the use of the dog into deadly force..." (p.3). Canines represent the potential for causing death, as in the *Robinette* case, or causing serious physical injury. All of which are directly related to the use of force and potential for injury.

The Ninth Circuit also placed the use of a dog at the same level as the use of a baton, or firearm, in *Mendoza v. Block* (27 F.3d 1357, 1358 (9th Cir. 1994)). This was included as part of the Graham Analysis in determining the reasonableness of the use of force when using canines.

Finally, the IACP position paper states that “The use of a police canine is a significant use of force requiring proper legal justification” (p.4). They added further that “Deployment of a police canine constitutes the use of a high level of force that should be reserved for situations that justify this response” (p.4).

If the courts view the deployment of a patrol canine as a significant use of force, then it is clear that patrol canine instructors must have an understanding of what the legal, liability, and practical deployment applications of a canine are.

Tactical Instructor

Instructor minimal requirements:

There are no “train-the-trainer” Tactical Operations Instructor courses. Therefore, the instructor candidate must be able to demonstrate competencies in a broad range of related topics meeting the operational needs of NTOA designated SWAT Tier 1, SWAT Tier 2, and Tactical Response Team capabilities.

- Civilian law enforcement Tactical team experience (NTOA SWAT Tier 1, SWAT Tier 2, or Tactical Response Team designation)- **5 years of full time, civilian law enforcement experience and at least 3 years civilian law enforcement tactical team experience meeting the NTOA designations listed.** Although military and Department of Energy mandated tactical training is worthwhile, the mission objectives and priorities are different, therefore, time is needed to overcome any training which would be detrimental to the civilian law enforcement mission.
- Preferred training- NTOA Tactical Command Certification, or equivalent.
- Alternative minimum qualifications- NTOA (or equivalent) SWAT Team Leader Development (40 hours) **PLUS** NTOA Training Management and Risk Mitigation for SWAT (24 hours, or equivalent).

- Alternative training in the absence of the NTOA courses listed above. Any combination of four courses listed below, with the General Topics Instructor and **5 years** civilian law enforcement SWAT experience included:
 - Advanced SWAT
 - Advanced Tactics
 - Active Shooter Instructor
 - Armored Rescue Vehicle Operations
 - Ballistic Shield
 - Technology in Tactical Operations
 - Reality Based Scenario Training Instructor (24 hours or more)
 - Carbine Instructor Certification

- Shootouse Instructor Certification
- ARCON Instructor
- Handgun, Shotgun and Patrol Rifle Instructor (Idaho POST Instructor certification preferred, but alternate instructorships may be approved on a case-by-case basis)
- Less-Lethal/FSDD/Chemical Agent Projectile Instructor
- SWAT Command Decision Making and Leadership 1 (40 hours, or equivalent)
- SWAT Command Decision Making and Leadership 2 (32 hours, or equivalent)
- SWAT Team Leader Development (40 hours, or equivalent)
- Managing an Incident Command Post and Tactical Operations Center
- Incident and Tactical Command Post Operations (classroom only)
- School and Workplace Violence Preparation and Response
- Supervising Patrol Critical Incidents
- Patrol Counter Ambush Tactics
- 911 Dispatcher Crisis Communications
- Police Response to Active Shooter 1 and 2
- Hostage Rescue
- Hostage Rescue Linear Intervention
- Resolution of Barricaded Suspect (or equivalent)
- Basic Crisis Negotiations
- Advanced Crisis Negotiations
- Negotiations for First Responders

Instructor applicants must be prepared to teach elements of each of the following subjects during a Regional Coordinator assessment: Hostage Rescue, Barricade Operations, High Risk Warrant Services, and Vehicle Assaults. The instructor applicant may team teach with another instructor applicant. The training may be incorporated into a reality based training scenario encompassing the listed elements. In practical terms, the assessment will take several hours, possibly spread over multiple training sessions.

Justification:

The IACP Special Weapons and Tactics (2011) concepts and issues paper identify several "...contemporary risks and concerns..."(p.3), related to the development, management, and deployment of a SWAT team. Those risks and concerns are:

- Terrorism (foreign and domestic) response preparedness, with special emphasis on large-scale, massive loss-of-life situations.
- Hostage taking
- Barricaded armed suspects
- Barricaded suicidal subjects
- Interaction with violent mentally ill subjects
- High-risk arrest and search warrant service
- High-risk surveillance details

- Visiting dignitaries

As a result of the risks and concerns, the NTOA (2018) also adds into the mix, what the capabilities are of the particular agency that has a SWAT team. The NTOA (2018, pp. 10-12) breaks the capabilities of a particular agencies SWAT team into four distinct capabilities, or tiers. A Tier 1 team has all the capabilities, staffing, training, and equipment. A Tier 2 team does not have everything a Tier 1 team has, but is capable of responding to a hostage rescue situation. A Tactical Response Team has mission capabilities other than hostage rescue, and finally the last group is the Perimeter Control and Containment Team (PCCT). A PCCT can contain and incident, evacuate people and establish an incident command, but are waiting for a response from a Tier 1 or Tier 2 team to resolve the situation.

For our purposes here, PCCT is an expanded patrol response to a critical incident and Active Shooter Instructors should be able to train the necessary components needed. Therefore a law enforcement officer whose experience is limited to a PCCT cannot become a Tactical Operations Instructor under this recommendation, without additional training and experience related to this instructorship.

With the teams defined, according to the IACP SWAT (2011) position on SWAT teams, they state that “Chief executives should recognize the differences in training demands for each set of tactical skills” (p.4). They further state that “...chief executives should identify the skills required with a tactical response capability and the agency’s ability to provide the necessary training to master and maintain the required skills” (p.4). If the risks and concerns are addressed by an agency SWAT team, then the team instructor(s) must have the knowledge, skills, and abilities (KSA) to teach *each* of the risks and concerns to the point of “...mater and maintain the required skills.”

The IACP SWAT (2011) paper also points out that the team commander is responsible for the overall operation, selection, training, and equipping of team members. They also state that the commander must have the personal commitment to providing instruction in the following core competencies:

- Incident Command
- Tactical Command
- Communication
- Liaison with allied units and agencies
- Command post operations
- Force options
- Tactical team capabilities
- Training and operational reporting requirements

The NTOA (2018) adds that the team command should “...facilitate the development of appropriate annual training plans, lesson plans, schedules, and management protocols for the conduct of training that are consistent with the NTOA TROS.” (pp. 31-32). The training should also include the use of scenario based training exercises, new member training, monthly training,

and finally annual training. For a full time team, this may be easier than a part time team commander who has other duties as assigned.

The IACP SWAT (2011) paper indicates that the team sergeant should also have the “...pre-requisite knowledge, training, and experience necessary to be in charge of the day-to-day operations of the team. These include routine supervision (management and discipline); training and oversight of training; equipment assessment, procurement, and accountability; operational readiness; operational planning; and documentation and record keeping” (p.5).

The IACP and the NTOA recognize that the team trainer(s) must have a clear knowledge of additional items, beyond those previously mentioned. The instructors, commanders, and supervisors must have knowledge in the following areas:

- Police long rifle/marksman
- Breaching- mechanical, ballistic, and explosive
- Electronic surveillance
- Firearms instruction- multidiscipline
- Firearms maintenance
- Less-lethal munitions (noise/flash diversionary devices, chemical agents, impact projectiles)
- Team movement (dynamic entry, bunker mirror/stealth, open field)

Finally, one aspect of SWAT that is often overlooked is the fact that several Federal District Courts view the deployment of a SWAT team, as a use of force. Therefore, aside from all the technical KSAs a Tactical Operations Instructor must have, they must also be aware that most of what a SWAT team does, involves the potential use of force, from less lethal weapons up to deadly force. It is incumbent that a Tactical Operations Instructor have not just the KSAs to teach others, they must be able to impart proper judgement and decision making into their students.

Farber (2007) lists a number of civil cases where SWAT team deployments were the subject of court actions. Faber (2007) said that “The most general lesson that can be drawn from the incidents examined, together with the suggested readings are the vital importance of careful selection of unit personnel, carefully thought out and vigorous training, and carefully thought out and regularly reviewed policies attempting to foresee common situations and the strategies and tactics that may be appropriate in them” (p.101).

Since many of the Idaho SWAT teams are made up from smaller agencies, or from multi-jurisdictional teams, the level of training and experience are going to be mixed. By moving this instructor topic to a high liability area, with standards that are consistent across the state, we hope to bring the Tactical Operations Instructor to a higher level of KSAs. This in turn, hopefully translates into better judgement, decision making, and performance of Idaho SWAT teams.

Use of Force Instructor

Subcategory- Reality Based Scenario Training Instructor, Less Lethal Interactive Weapons (Simunition) Instructor, Force-on-Force Instructor, Use of Force Training Simulator (FATS, or equivalent)

Instructor minimal requirements:

Any combination of training and experience which the instructor candidate can demonstrate competency teaching “Use of Force.” These competencies must include attendance at the current POST Basic Academy Use of Force course (16 hours) and a minimum combination of 2 (two) of the following:

- FLETC Use of Force Instructor Training Program (80 hours), or equivalent
- Federal, or State Court, certified expert in Use of Force
- Reality Based Training Instructor Course (24 hours, or more)
- Use of Force Training Simulator Instructor Course
- Idaho POST Human Performance in Use of Force Instruction Course, or equivalent (24 hours or more)
- Force Science Institute, Force Analyst Certification Course, or equivalent
- Other constitutional based use of force training courses in combination totaling 40, or more hours
- Bachelor, or higher, degree in Criminal Justice, Education, Law, Human Resource Development

Or one of the above in combination with one of the following:

- Firearms Instructor (Basic Handgun, plus either Shotgun or Patrol Rifle Instructor course, or equivalent)
- Idaho POST ARCON Instructor (64 hours for grandfathered instructors who attended the ARCON Instructor Winter 2018, Spring 2019, 80 hours for any other instructors)
- Less Lethal Weapons Instructor (Impact Munitions, Chemical Agents, Noise/Flash Devices, 32 hours or more)
- Conducted Energy Devices Instructor (20 hours or more)

Justification:

This category should be self-evident. Instructors teaching general use of force topics much have more knowledge and expertise than the general officer does. It is imperative not only to teach proper techniques, but proper judgement and decision making. A use of force instructor must also have a working knowledge of adult learning methods, scenario based training, legal issues, liability, documentation, and more.

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