What are Officers being Trained and How will it Impact Agency Liability
The Need to Audit Training

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For many years, in response to failure to train claims, courts simply looked at training records to determine if officers had received training on the particular topic alleged to be deficient. More recently the trend has been for courts to more closely scrutinize the content of the training the officers have received to determine whether an officer has been properly trained. These decisions make clear that there is a need for agencies to review the content of all training irrespective of who is delivering the training.

In light of cases where courts have begun scrutinizing the content of training, persons bringing lawsuits against officers have tried to bring the agency into federal court by looking at the actual content of training being given by the agency or being given by other groups that are being paid by the agency.

At the outset it should be recognized that law enforcement agencies only become defendants in civil rights lawsuits if the agency played a role in an officer's unconstitutional conduct. In other words, the person bringing the lawsuit would have to establish that the officer violated their constitutional rights, and that some action by the agency was the moving force that caused the officer to act unconstitutionally. One of the most common methods is to show that the officer had improper training that caused the officer to act unconstitutionally.

As a trainer; as the Sheriff or Chief, or as the City Attorney reviewing training, how would you answer the following questions about the content of training:

- Is your training consistent with the United States Constitution and decisions of the United States Supreme Court?
- Is your training consistent with your state's constitution and the laws of your state?
- What are the professional teaching points of the videos, photographs, and statements within your presentation? Is it simply humor and entertainment or does it actually have a connection to proper training?
- Are photos, videos, images that are included in the presentation based in reality, i.e., from an actual event and do they have a valid connection to the teaching point?
- How does the use of profanity by the instructor add to your training or promote professionalism?
- Would a particular slide, video, photograph or statement be seen as promoting a lack of professionalism, unlawful, or improper conduct by participants of the training?
- Does the training style promote professionalism, or does it promote insubordination, improper or unlawful conduct to include excessive force?
- Would any portion of the training presentation be offensive based on race, gender, religion, ethnicity or other suspect class recognized by state law, the Constitution, or current societal expectations?

Over the past five years persons bringing lawsuits against officers have tried to bring the agency into federal court by looking at the content of training being given by the agency or being given by other groups that are being paid by the agency.

Recently, the New Jersey Comptroller issued a report on training by a private vendor that was attended by 1,000 officers from around the United States that included hundreds of officers from New Jersey.[1]

According to the N.J. Comptroller's report, investigators found:

- Instructors at the Conference promoted the use of unconstitutional policing tactics for motor vehicle stops;
- Some instructors glorified violence and an excessively militaristic or "warrior" approach to policing. Other presenters spoke disparagingly of the internal affairs process; promoted an "us vs. them" approach; and espoused views and tactics that would undermine almost a decade of police reform efforts in New Jersey, including those aimed at de-escalating civilian-police encounters, building trust with vulnerable populations, and increasing officers' ability to understand, appreciate, and interact with New Jersey's diverse population; and
- The Conference included over 100 discriminatory and harassing remarks by speakers and instructors, with repeated references to speakers' genitalia, lewd gestures, and demeaning quips about women and minorities.

The report included videos (see footnote to access) from the conference to support the conclusions reached in the investigation and report.[2]

"Street Cop" the private vendor is based in New Jersey and reportedly trains 2000 New Jersey officers per year, supported by public funding.

Days after the comptrollers report was issued media groups began reporting the impact of the training on prosecutions in New Jersey noting, "Attorneys expect criminal cases could topple across New Jersey in the wake of a watchdog's scorching report this week that accused instructors for New Jersey's busiest police training firm of teaching unconstitutional and discriminatory policing tactics."[3]

One of the recommendations of the comptroller's report indicates that the Attorney General should consider *Brady* listing any officer who has attended a Street Cops conference. The report recommended, "Given that many comments were made during the conference touching on the protected categories of color, race, ethnicity, and/or national origin, the Attorney General should consider issuing a directive or other guidance to law enforcement agencies addressing whether the

[1] https://www.nj.gov/comptroller/reports/2023/20231206.shtml
[2] https://data.nj.gov/stories/s/NJ-Comptroller-Police-Training-Report/qr2h-vn6y/
[3] https://newjerseymonitor.com/2023/12/08/lewd-unconstitutional-police-training-could-threaten-criminal-prosecutions-attorneys-warn/

fact of any officer's attendance at or involvement in the conference may need to be disclosed to comply with any criminal discovery obligations."[4]

Law enforcement training is serious business for several reasons. A well-trained officer can improve their own safety, the safety of the public, and even the safety of suspects. This safety does not only include physical safety but also includes legal safety. An officer who acts in a constitutional manner protects their exposure to criminal and civil liability. An officer who acts constitutionally ensures justice for the members of the public who become victims of crime. And, the officer who acts constitutionally ensures that suspects/defendants are handled consistently with Constitutional mandates protect the rights of the suspect.

All trainers and agencies must also be auditing their internal training programs in addition to external programs they send officers to. The criticisms and scrutiny of courts have not been limited to the Street Cops training in New Jersey.

Consider, Wright v. City of Euclid,[5]

A. Wright's Stop, Arrest and Experience in Custody

> On November 4, 2016, at around 6:00 p.m., Lamar Wright pulled an SUV onto a residential driveway off of 207th Street in Euclid, Ohio. After Wright rolled down his window, conversation ensued with a friend who stood outside the residence. The friend never came over to the SUV, and Wright never exited the vehicle. Their visit lasted for about a minute.
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> Unbeknownst to Wright and his friend, plain-clothed Officers Kyle Flagg and Vashon Williams, in an unmarked vehicle, were surveilling the friend's home based on reports of illegal drug activity in the area and at that residence in particular. The officers identified Wright's vehicle as a rented Ford Edge SUV. Based on the short amount of time Wright spent at the house, the officers suspected that he may have been involved in a drug transaction.
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> After Wright pulled out of the driveway, Flagg and Williams followed him. He turned right onto Recher Avenue and then left onto East 212th Street. The officers maintain that at both turns, Wright failed to use his turn signal, but there is no dash-cam footage or other evidence to confirm the officers' word. Wright insists that he did use his turn signal in both instances.
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> The situation escalated after Wright pulled into a second driveway to answer a text message from his girlfriend. While Wright texted in the SUV, the officers exited their vehicle, drawing their guns as they approached the SUV. One of the men caught Wright's eye when he glanced up from his texting. In his side mirror, Wright could see this man dressed in dark clothing with a gun pointed at the SUV. Believing that he was about to be robbed, Wright dropped his cellphone in the

[4] https://www.nj.gov/comptroller/reports/2023/20231206.shtml
[5] Wright v. City of Euclid, 962 F.3d 852, 880-81 (6th Cir. 2020).

center console and threw the car into reverse. Glancing to his left, he saw another armed man, but this time he noticed a badge. Wright heard the men yell: "Shut the car off!" and "Open the door!" Now realizing that the men were police officers, he put the car in park and put his hands up. These events are corroborated by the body-cam footage. At this point, Flagg stood beside the driver's side door while Williams was next to the front passenger door. Both officers holstered their guns.

Next, Flagg yanked the driver's side door open and demanded that Wright shut off the vehicle. Wright complied and then raised his hands once more. Flagg grabbed Wright's left wrist, twisting his arm behind his back. The officer then attempted to gain control of Wright's right arm in order to handcuff him behind his back while he remained seated in the vehicle. Flagg was unsuccessful in his efforts. As Flagg continued to twist the left arm, Wright repeatedly exclaimed that the officer was hurting him, to which Flagg responded, "let me see your hand," apparently referring to Wright's right hand.

Flagg then tried to pull Wright from the vehicle, but the latter had difficulty getting out. As noted, Wright had recently undergone surgery for diverticulitis, which required staples in his stomach and a colostomy bag attached to his abdomen. Though the officers apparently could not see the bag and staples, these items prevented Wright from easily moving from his seat. Wright placed his right hand on the center console of the car to better situate his torso to exit the car. By this point Williams had moved over to stand behind Flagg on the driver's side. Williams responded to Wright's hand movement by reaching around Flagg to pepper-spray Wright at point-blank range. Flagg simultaneously deployed his taser into Wright's abdomen. The besieged detainee finally managed to exit the car with his hands up. He then was forced face down on the ground, where he explained to officers that he had a "shit bag" on. Officer Williams next handcuffed Wright while he was on the ground.

Wright was bleeding from the staples that attached the colostomy bag to his abdomen. The bag was now visible to Williams, who would testify that he "was kind of leery of getting some sort of biohazard on [him]." The officers had Wright sit on the trunk of his car while they called an ambulance. As the body cam continued to record, Flagg made various arguably self-serving statements, including that "[Wright] was reaching like he had a f***ing gun," and that Flagg had been afraid that Wright was going to shoot him. Wright did not have a gun, nor did he have any drugs or other contraband. The officers conceded that they did not have probable cause to arrest Wright until *after* they believed he was resisting, and that they had not seen Wright engage in any illegal activity prior to the arrest apart from his alleged failures to use his turn signal. They arrested Wright for the misdemeanors of obstructing official business and resisting arrest.

After Wright's arrest, a hospital doctor treated him for bleeding in his abdomen because of the stress placed on the staples around his colostomy bag. Wright refused to submit to an xray because of his recent surgery. The officers responded

> by demanding a CT scan of Wright's abdomen, but the doctors refused to perform the scan after consulting with the hospital's legal department. Wright was then discharged from the hospital and taken to the Euclid jail.
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> At his 10:45 p.m. booking, Wright was charged with the two misdemeanors for which he was arrested (obstructing official business and resisting arrest), along with two other offenses (criminal trespass and failure to use a turn signal). Despite the fact that Wright had no drugs when he was arrested and was not charged with any drug-related offenses, the officers designated Wright's arrest as stemming from a drug investigation. Flagg acknowledged that he knew that this designation would result in Wright's being subjected to additional, more thorough searches.
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> Wright posted bond between 11:00 p.m. and midnight, but he still was not released from police custody. As Wright was attempting to leave the Euclid jail, a corrections officer told him that he would be taken to the Cuyahoga County jail for a full body scan to see if he was hiding drugs in his abdomen. Shortly after 1:00 a.m., he arrived at this next facility, where jail staff searched him using a body scanner. The search turned up nothing. Wright finally was released from custody at 3:55 a.m.
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> Over seven months later, all the charges against Wright were dropped. Neither Flagg nor Williams was investigated or disciplined for their encounter with Wright, and their use of force was approved by their supervisors. (citations omitted).

Wright filed a lawsuit against the officers and the agency. In reviewing the Federal District Court's decisions on summary judgment and qualified immunity for the officers and the propriety of the claims against the City of Euclid, the United States Court of Appeals looked at the substance of use of force training within the Euclid Police Department.

The court noted:

> Wright argues that his injury is directly attributable to the City's policy or custom of indifference to use of force. Euclid police officers undergo "defensive tactics training" that purportedly trains officers in methods to defend themselves or defuse a situation. Flagg maintains he used "defensive tactics" in subduing Wright.
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> This training contains a link to a YouTube video of a Chris Rock comedy skit entitled "How not to get your ass kicked by the police!" The video shows numerous clips of multiple police officers beating African-American suspects. During the video, Rock says things such as: "People in the black community . . . often wonder that we might be a victim of police brutality, so as a public service the Chris Rock Show proudly presents: this educational video."
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> "Have you ever been face-to-face with a police officer and wondered: is he about to kick my ass? Well wonder no more. If you follow these easy tips, you'll be fine." "We all know what happened to Rodney King, but Rodney wouldn't have got his

ass kicked if he had just followed this simple tip. When you see flashing police lights in your mirror, stop immediately. Everybody knows, if the police have to come and get you, they're bringing an ass kicking with 'em."

"If you have to give a friend a ride, get a white friend. A white friend can be the difference between a ticket and a bullet in the ass." InsaneNutter, *Chris Rock-How not to get your ass kicked by the police*! (Feb. 2, 2007), https://www.youtube.com/watch?v=uj0mtxXEGE8 [https://perma.cc/NU2W-MGLN].

Sergeant Murowsky conducts the use-of-force trainings and reviews all incidents of officer involved force. He stated that he thought the video was humorous and that it related to things that Euclid police officers have experienced. The City's use-of-force training also includes a PowerPoint presentation, the first page of which displays a stick figure cartoon portraying a police officer in riot gear beating a prone and unarmed civilian with a club with the caption "protecting and serving the poop out of you."

Sergeant Murowsky testified that he did not believe that the graphic conveys that the Euclid Police Department "beat[s] the hell out of people," but he didn't know what other message could possibly be taken away from the image.

Finally, the use-of-force training contains a meme that depicts two officers with their guns drawn and aimed at something. It is captioned "Bed bug! Bed bug on my shoe!" Sergeant Murowsky testified that he believed the image conveyed that the officers were overreacting to and escalating a situation.

Wright points to the Euclid Police department training on use of force to support his argument that the City has a custom of allowing excessive force. First, there is the link in the training materials to the YouTube video of the Chris Rock comedy sketch discussed earlier. As noted, it is entitled "How not to get your ass kicked by the police!". It includes numerous vignettes depicting police officers beating African-American suspects, with commentary from Rock about Rodney King and other matters as also described earlier.

The evidence further includes, as also noted, a slide from the same training titled "Defensive Tactics Training." The slide includes a cartoon in which a stick figure police officer in riot gear is shown beating a prone and unarmed civilian with a club with the caption "protecting and serving the poop out of you." Again, as noted, Murowsky testified that he did not believe that the image conveys that the Euclid Police Department "beat[s] the hell out of people," but that he didn't know what other message could possibly be taken away from the image.

Finally, the use-of-force training contains a meme that depicts two officers with their guns drawn and aimed at something. It is captioned "Bed bug! Bed bug on my

> shoe!". Murowsky testified that he believed the image conveyed that the officers were overreacting to and escalating a situation.
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> Wright has produced enough evidence such that a reasonable jury could find that the City's custom surrounding use of force is so settled so as to have the force of law and that it was the moving force behind violations of Wright's constitutional rights. We therefore **REVERSE** the district court's grant of summary judgment on the issue of municipal liability under § 1983. (citations omitted).

Thus, the court found that the case against the City could go forward to a jury based on unprofessional training that, in least of the instance of the training sergeant with respect to the Chris Rock video, he found humorous.

Consider the following from Louisville, Kentucky.

An ongoing lawsuit in Louisville, Kentucky also provides an example of how PowerPoints and lesson plans may be used to allege that training was the moving force behind unconstitutional actions by officers.

> "'There is no hunting like the hunting of man and those who have hunted armed men long enough and liked it, never really care for anything else thereafter…'
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> The quote, from Ernest Hemingway in a 1936 Esquire magazine piece, appeared on the cover of a training course on executing search warrants used by the Louisville Metro Police Department.
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> Louisville police have since removed the words from the training manual, calling them "completely inappropriate."
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> But a recent court filing has brought scrutiny to the quote and images in the training materials, including a picture of a bloody Black man who appears to be dead as well as a cartoonish gang member shooting a gun alongside images of drugs and money… The training materials were filed in an ongoing lawsuit accusing at least 10 SWAT officers of raiding a vacant home to serve a search warrant on a drug suspect – only to handcuff a house painter, his girlfriend and her 11-year-old daughter.
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> In a statement to WDRB News, a police department spokeswoman said the training class was taught by someone outside the department and 'the quote and pictures were removed from the curriculum about a year ago after LMPD's Training staff requested the instructor take out that portion.'"[6]

[6] https://www.wdrb.com/wdrb-investigates/hunting-of-man-quote-used-in-warrant-training-for-louisville-police/article_27540c9c-02ef-11ed-8805-bf6155d98224.html

Another example occurred in Portland, Oregon as attorneys prepared materials to turn over to lawyers for Don't Shoot Portland, a nonprofit that sued Portland police over its use of force during social justice protests in 2020.

> "A Portland Police Bureau training presentation on protests ended with a PowerPoint slide listing a prayer for a 'dirty hippy' and the promise to send 'my humble servants' with hats and bats to 'christen' their 'heads with hickory' accompanied by a photo of a helmeted officer raising his arm to a woman.
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> The city made the slide public, months after city attorneys turned it over to lawyers for the nonprofit Don't Shoot Portland, a Black-led nonprofit that advocates for social and racial justice. The group has sued the city in federal court alleging officers used excessive force responding to protests in 2020.
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> Wheeler called the slide "unauthorized" and said it was discovered last September while the city was reviewing and preparing documents to be turned over in the Don't Shoot Portland legal case.
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> The mayor said it's unclear who drafted or added the slide to the training material or if it was used in training. An initial investigation suggests it may have been created in 2018, "though further investigation is needed to confirm," according to the mayor's office."[7]

There have also been a number of cases where it is alleged that "warrior style" training is the moving force behind excessive force in order to make the agency a defendant in the case.

Although unsuccessful in French v. City of Los Angeles,[8] the plaintiff alleged that customs and practices of the Los Angeles Police Department was the moving force behind an officer's off-duty shooting that was alleged to be unconstitutional. With respect to training, the person bringing the lawsuit reported the inappropriate custom to be, mandating training programs, such as "warrior training," that foster irrational fear that everyone is out to kill them or that unexpected danger lurks around every corner despite the potential for officers to overreact and use excessive force;…"

In Oakry v. City of Tempe, the Federal District Court outlined the facts as follows:

> In his First Amended Complaint, Plaintiff sues the City of Tempe and Tempe Police Department (TPD) Officers Ronald Kerzaya, David Hanson, and Amy Pfeifer. Plaintiff alleges that on the morning of June 15, 2019, multiple TPD officers responded to a domestic disturbance call at an apartment complex initiated by the mother of Plaintiff's three minor children. She confirmed that there were no

[7] https://www.oregonlive.com/crime/2022/01/portland-police-training-on-protests-ends-with-slide-showing-mock-prayer-for-dirty-hippie-prompts investigation.html#:~:text=A%20Portland%20Police%20Bureau%20training,his%20arm%20to%20a%20woman.
[8] French v. City of L.A., No. EDCV 20-416 JGB (SHKx), 2021 U.S. Dist. LEXIS 254452 (C.D. Cal. Jan. 8, 2021).

drugs or weapons in the third-floor apartment and that Plaintiff had the couple's three children in the apartment. She informed the dispatcher that she would wait outside the apartment for police to arrive.

Defendant Kerzaya arrived at the scene first and went to Plaintiff's door. When Plaintiff opened the door, Kerzaya asked Plaintiff what was going on, and Plaintiff responded, "nothing" and "this is my house." Kerzaya replied, "I don't care if it's your house or not, put your hands behind your back," and Kerzaya moved into the apartment, less than 8 seconds after asking Plaintiff what was going on. Plaintiff told Kerzaya that he "was not allowed" to come into the apartment, and Kerzaya told Plaintiff to "put [his] fucking hands behind [his] back!" Plaintiff began to raise his arms in a "surrender" position, and Kerzaya pointed his taser at Plaintiff. Plaintiff told Kerzaya that he had not given the officer permission to enter, and voiced his objection to his children witnessing this show of excessive force inside their own home, but Kerzaya continued to hold Plaintiff at taser-point and repeated his demands that Plaintiff put his hands on his head. At some point, Plaintiff's 1-year-old son ran into the room and tugged at Plaintiff's shorts, and Plaintiff picked him up. Kerzaya yelled, "put the baby down and put your hands on top of your head!" and Plaintiff turned his body to shield his son.

Soon thereafter, TPD Officer Fernandez and Defendants Hanson and Pfeifer arrived and entered the apartment. Fernandez escorted the other two children out of the apartment, and Kerzaya, Pfeifer, and Hanson kept their tasers pointed at Plaintiff, who was still holding his son. Kerzaya instructed the other officers to "Shoot him low!" and Defendants Kerzaya, Hanson, and Pfeifer simultaneously fired their tasers at Plaintiff. Plaintiff fell to the ground and was able to avoid landing on top of his son. The officers moved Plaintiff away from his son and then tased Plaintiff two more times.

According to a news article containing an embedded video referenced in the First Amended Complaint, the officers involved in Plaintiff's arrest were ordered to undergo additional de-escalation and use of force trainings following Plaintiff's arrest.

On November 5, 2019, TPD Chief of Police Sylvia Moir held a press conference addressing Plaintiff's arrest and stated that Defendants Kerzaya, Hanson, and Pfeifer's tasing of Plaintiff had been reviewed, and it was "determined that no policy violations had occurred."

On August 29, 2020, Defendant Kerzaya "unconstitutionally held a black man at gunpoint while responding to a call at a hotel to remove a white trespasser."

In Count One, Plaintiff alleges a Fourth Amendment unlawful entry claim against Defendant Kerzaya. In Count Two, Plaintiff alleges Fourth Amendment excessive force claims against Defendants Kerzaya, Hanson, and Pfeiffer. In Count Three, Plaintiff alleges a municipal liability claim pursuant to *Monell v. Dep't of Soc.*

> *Servs.*, 436 U.S. 658, 98 S. Ct. 2018, 56 L. Ed. 2d 611 (1978), against the City of Tempe ("the City"). Specifically, Plaintiff alleges municipal claims for ratification/failure to discipline and **failure to train**/supervise against the City. (citations omitted). [9]

As part of the complaint in this case, the plaintiff alleged that warrior style training was improper and was the moving force behind an officer's alleged excessive force. The court noted: "In the First Amended Complaint, Plaintiff alleges that the City "fail[ed] to adequately train any of these officers on proper and appropriate de-escalation tactics, or to equip these officers with basic training, strategy, and tactics to gain the compliance of a subject without resorting to an unconstitutional use of physical force" and that "rather than providing proper de-escalation and use of force trainings to Officers Kerzaya, Hanson, and Pfeifer, it is believed that [the City] used a hyper-aggressive 'kill or be killed' warrior-inspired program to teach these officers to use force liberally, unconstitutionally, and as a first resort."[10]

While ultimately, this claim was abandoned by the plaintiff at the summary judgment stage of the proceedings, it is clear that courts are willing to consider the substance of training as an issue that will support a failure to train claim. More, importantly, it is clear that persons bringing lawsuits see "warrior" style training as a failure by law enforcement to promote de-escalation.

In Jones v. City of St. Paul, the court outlined the facts as follows:

> In the early morning of March 15, 2017, the St. Paul Police were called to an apartment building at the corner of Sixth Street and Sinnen Street after a 911 caller reported screaming in the building. Officers Norman and Younce were nearby and responded to the call.
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> Handy and his girlfriend Markeeta Johnson-Blakney lived in the apartment building. According to Johnson-Blakney - and corroborated by cell phone footage - Handy woke her up at 2:00 a.m. with the belief that someone intending to harm him was in their apartment. At the time, he was under the influence of Tetrahydrocannabinol (THC) and n-ethyl pentalone (referred to as Molly), which can cause agitation, aggression, paranoia, and hallucinations, among other things. Although Johnson-Blakney assured him that no one was in the apartment, Handy armed himself with a handgun with an extended magazine. Handy ultimately discharged the handgun in the apartment, firing sixteen shots. He then left the apartment with the handgun and went into the street.
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> When Norman and Younce arrived at the apartment building, they met Johnson-Blakney and a neighbor, Jill Mollner, coming down the stairs, presumably to follow Handy outside. Johnson-Blakney and Mollner testified that they told the officers that Handy had a gun, but that it was not loaded.

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[9] Oakry v. City of Tempe, No. CV 20-01167-PHX-JAT (DMF), 2021 U.S. Dist. LEXIS 258465, at *1-5 (D. Ariz. May 18, 2021)

[10] Oakry v. City of Tempe, No. CV 20-01167-PHX-JAT (DMF), 2021 U.S. Dist. LEXIS 258465, at *12 (D. Ariz. May 18, 2021).

> Norman and Younce pursued Handy down the street, and both ultimately shot him numerous times after apparently believing that he was about to shoot Norman. After being shot, Handy rolled onto his side and continued to move. Not knowing whether Handy still had the gun, Younce fired one more shot at Handy. Shortly after the shooting - within seconds according to Norman and Younce - Wild and other officers arrived on the scene. After Wild arrived, Norman and Younce handcuffed Handy and called for medical assistance at 2:26:36 a.m. At this point approximately ten more officers were on the scene. Younce believes that one of the newly arrived officers checked on Handy's condition while Wild stood guard over Handy's nearby gun. (citations omitted).[11]

The court noted the plaintiff's claim that the actions of the officers in shooting Handy was the result of speech made by a St. Paul officer espousing a warrior style approach to law enforcement.

> According to plaintiff, the St. Paul Police Department espouses a "warrior mentality" in which officers are instructed to treat suspects as enemy combatants. She bases this belief on a 2012 speech made by a St. Paul police officer unrelated to this case in which he encouraged officers to treat suspects as enemy combatants. There is no evidence in the record that Norman or Younce were in the audience during the speech or that they otherwise agree with or were trained under that approach. Further, Todd Axtell, who has been the chief of the St. Paul Police Department since 2016, banned warrior training. He views police officers as guardians rather than warriors. As such, he believes that police officers are collaborative partners with the community and has emphasized that philosophy throughout his tenure.

In its consideration, the court noted that both officers had mandated de-escalation training and also had crisis intervention training (CIT), thus allegation that the officers were not trained on de-escalation failed.

Ultimately, the court found that based on the Chief's testimony regarding the ban on warrior style training as well as the agency's philosophical approach to law enforcement, plaintiff could not establish that warrior style training was the moving force behind the shooting.

It is noted that Minnesota has restricted "Warrior Style" training by state statute.

626.8434 WARRIOR-STYLE TRAINING PROHIBITED.

Subdivision 1. *Definition.* — For purposes of this section, "warrior-style training" means training for peace officers that dehumanizes people or encourages aggressive conduct by peace officers during encounters with others in a manner that deemphasizes the value of human life or

[11] Jones v. City of St. Paul, No. 20-707(DSD/ECW), 2022 U.S. Dist. LEXIS 116417, at *2-4 (D. Minn. June 30, 2022)

constitutional rights, the result of which increases a peace officer's likelihood or willingness to use deadly force.

Subd. 2. ***No continuing education credits or tuition reimbursement.***

(a) The board may not certify a continuing education course that includes warrior-style training.

(b) The board may not grant continuing education credit to a peace officer for a course that includes warrior-style training.

(c) The board may not reimburse a law enforcement agency or a peace officer for a course that includes warrior-style training.

Subd. 3. ***Training prohibited.*** **—** A law enforcement agency may not provide warrior-style training, directly or through a third party, to a peace officer.[12]

[12] Minn. Stat. Ann. § 626.8434 (LexisNexis, Lexis Advance through the end of the 2023 regular session).