

# **Axon VR**

## **Community Engagement Training (CET)**



## **Interactive Case Law II**

*Facilitator's Guide*



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## LESSON PLAN

<p><b>Course Overview</b></p>	<p>Interactive Case Law II is a Community Engagement Training (CET) module directly tied to a real-world case. This module involves multiple TASER energy weapon deployments and drive stuns on a subject in a jail setting, focusing on whether each deployment was objectively reasonable given varying circumstances.</p> <p>The scenario is based on the case of <i>Hyde v. City of Willcox</i>, in which the United States Court of Appeals for the 9th Circuit held that justification is needed for each TASER energy weapon deployment, and all deployments were reasonable except for the last, which occurred when the subject no longer resisted or presented a threat of harm.</p>
<p><b>In-Headset VR Experience</b></p> <p><b>NOTE:</b> Trainers should complete the module in-headset at least once prior to facilitating this CET.</p>	<p>Trainees will begin the in-headset experience as an officer on duty in a county jail in the station after processing a subject who was arrested for driving under the influence. Trainees will view similar events to those of <i>Hyde v. City of Willcox</i> and will make use-of-force decisions based on these events while comparing them to the Court’s ruling as well as their agency policy.</p> <p>Trainees will be asked to make decisions in real time by selecting from multiple on-screen options. The trainees will see the scenario play out based on their selections. No VR Controllers are required. Trainees will use gaze selection to aim a crosshair and make selections.</p> <p>See the scenario flow and decision points <a href="#">flowchart</a> for an overview of the VR scenario and decision points branching.</p>
<p><b>Learning Objectives</b></p>	<p>Given a scenario depicting an attempt to capture a detainee who has evaded officers within a jail facility, the trainee will compare/contrast the officer’s actions and decisions to the case law decision in <i>Hyde v. City of Willcox</i> with their agency trainer and score 100% on the scenario assessment rubric.</p>
<p><b>Instructional Goal</b></p>	<p>As a responding officer, the trainee will make decisions based on agency policy and proceed with the information available in the scenario.</p>
<p><b>Required Materials</b> (available on <a href="#">MyAxon</a>)</p>	<ul style="list-style-type: none"> <li>• Facilitator’s Guide (with lesson plan, <a href="#">trainee pre-work handout</a>, and <a href="#">scenario assessment rubric</a>)</li> <li>• Sample course roster</li> <li>• Certificate of completion</li> </ul>
<p><b>Date Released</b></p>	<p>December 10, 2024</p>
<p><b>Date Updated</b></p>	<p>N/A</p>
<p><b>Prerequisites (if any)</b></p>	<p>None</p>
<p><b>Course Length</b></p>	<p>30 minutes (in-person instructor-led training)</p>
<p><b>Course Credit Hours</b></p>	<p>30 minutes</p>
<p><b>Equipment</b></p>	<p>Axon VR equipment</p>

<b>Facility Location</b>	The Training Space will be identified by the agency and must contain a virtual boundary to keep participants safe. Training Spaces should be kept clear of objects, pets, live weapons, and other people.
<b>Testing / Certification</b>	Score 100% on the <a href="#">scenario assessment rubric</a>
<b>Reference List</b>	<ul style="list-style-type: none"> <li>• <i>Hyde v. City of Willcox</i>, 23 F.4th 863 (9th Cir. 2022). <a href="https://cdn.ca9.uscourts.gov/datastore/opinions/2022/01/06/21-15142.pdf">https://cdn.ca9.uscourts.gov/datastore/opinions/2022/01/06/21-15142.pdf</a></li> <li>• United States Court of Appeals for the Ninth Circuit. (2021, December 8). <i>21-15142 Jon Hyde v. City of Wilcox</i> [Video]. YouTube. <a href="https://www.youtube.com/watch?v=zF8NEYFZ_uo">https://www.youtube.com/watch?v=zF8NEYFZ_uo</a></li> </ul>
<b>Target Group</b>	Public safety and law enforcement officers
<b>Instructors</b>	Any agency-identified VR trainer
<b>Group Ratio</b>	Trainer: trainee = 1:1
<b>Trainer Pre-work</b>	<ol style="list-style-type: none"> <li>1. Create a VR Training Space. This is a 360° video experience that is best viewed while seated.</li> <li>2. Open the CET application and download the module to the Axon VR Library if it's not already present.</li> <li>3. Once downloaded, complete the module in-headset at least once prior to facilitating this CET. View the scenario more than once to experience the different possible outcomes.</li> </ol>
<b>Additional Resources</b>	<ul style="list-style-type: none"> <li>• For assistance facilitating CET training in VR, see the <a href="#">Running A Community Engagement Training (CET) Session</a> course on Axon Academy</li> <li>• For any technical difficulties, visit the <a href="#">MyAxon Help Center</a></li> </ul>

## ADDITIONAL MATERIALS

Download the following materials from the *Instructional Content* page in [MyAxon](#).

<b>Sample course roster</b>	Print the sample course roster to use while facilitating a training to collect the names and email addresses of trainees and track attendance.
<b>Certificate of completion</b>	Print and provide the trainee with the certificate of completion upon successfully completing the training requirements. Based on agency policy, inform the trainee to provide a copy of the certificate to the training department for possible in-service credit.

## AGENCY RESOURCES

This training is best augmented with agency-specific resources. Axon does not make any recommendations on agency policies. Per agency policy, consider making a supplemental guide to share with trainees that includes the resources available that are specific to the facilitating agency and community.

## SAMPLE COURSE SCHEDULE

<b>0800-0810</b>	Trainee reviews the pre-work handout
<b>0810-0820</b>	Trainee completes VR scenario in-headset
<b>0820-0830</b>	Trainer conducts assessment debriefing with the trainee using the debriefing questions and scenario assessment rubric

## IADLEST CERTIFIED CURRICULUM

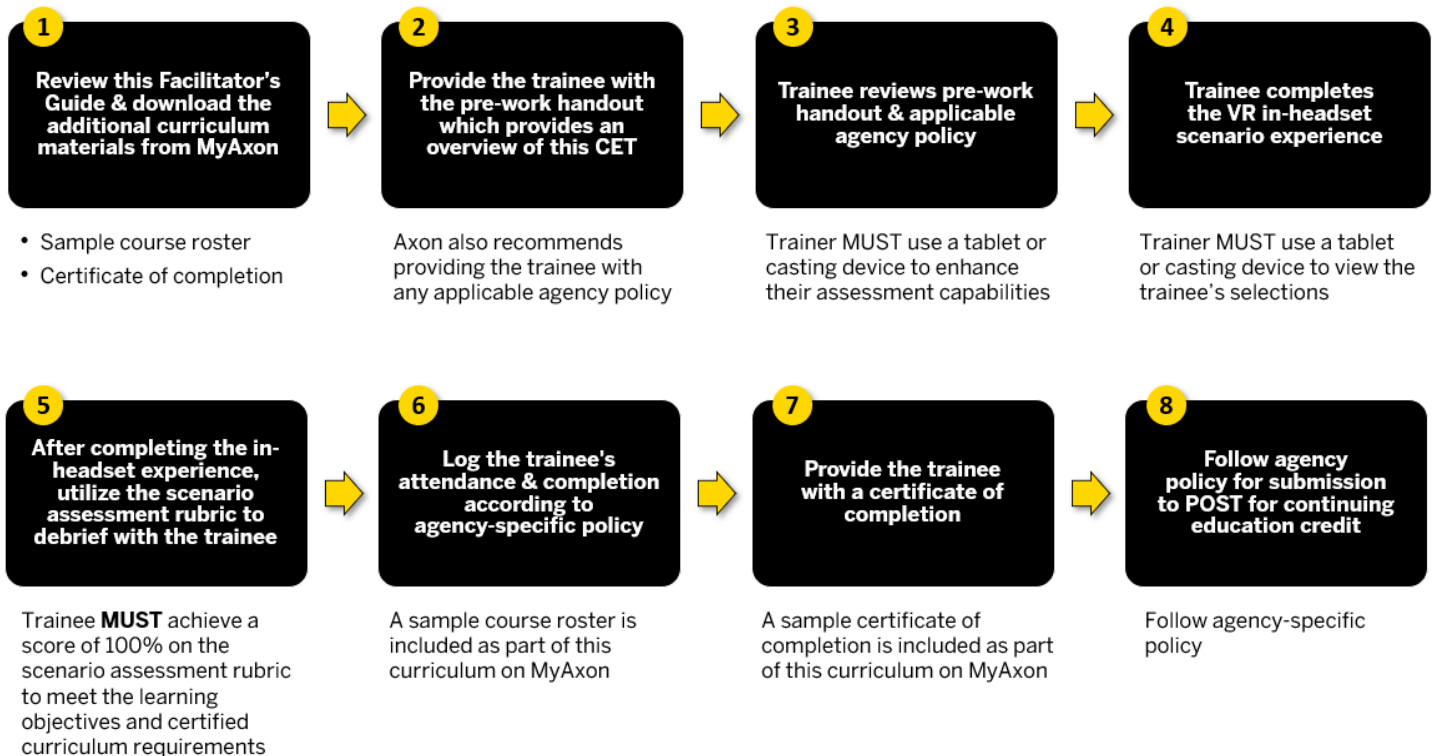
The curriculum for this CET is certified by the International Association of Directors of Law Enforcement Standards & Training (IADLEST) through the National Certification Program (NCP).



The certification is automatically accepted by 36 states and may be eligible for POST continuing education hours. Learn more about IADLEST at [iadlest-ncp.org](http://iadlest-ncp.org).

## CURRICULUM REQUIREMENTS

To fulfill the certified curriculum requirements, the following steps must be completed:



## DEBRIEFING QUESTIONS

After the trainee completes the VR scenario in-headset, debrief with them to discuss their results. Use the following debriefing questions to support you.

Additionally, supplement this experience with agency resources, policies, best practices, and guidelines.

1. What factors influenced your on-scene actions/decisions?
2. What choices seemed the least effective in de-escalating the situation? Which were most effective?
3. Did any of the consequences of certain choices come as a surprise? If so, which one(s)? Why?
4. Would you change any of your choices after viewing the outcome of the scenario? What actions would you take?
5. What is our agency's policy in responding to situations similar to this scenario?

## SCENARIO ASSESSMENT RUBRIC

Given a scenario depicting an attempt to capture a detainee who has evaded officers within a jail facility, the trainee will compare/contrast the officer's actions and decisions to the case law decision in *Hyde v. City of Willcox* with their agency trainer and score 100% on the scenario assessment rubric below.

**NOTE:** As part of the rubric, Axon recommends that the trainer discuss their agency policy with the trainee to provide agency-specific direction.

### Q1: In *Hyde v. City of Willcox*, was the use of force by the officers using their TASER energy weapons reasonable? Explain your rationale using the court holding and analysis.

<b>Passing Response</b>	<p>The trainee clearly articulates that all TASER energy weapon use on Hyde <i>before</i> he was handcuffed and shackled was reasonable; however, all use of force <i>after</i> that was unreasonable.</p> <ul style="list-style-type: none"><li>• Once Hyde was handcuffed and shackled, he had stopped resisting and no longer posed a threat.</li><li>• The need for force waned as circumstances changed.</li></ul>
<b>Failing Response</b>	<p>The trainee attempts to articulate that all TASER energy weapon use on Hyde was reasonable under the circumstances.</p>

**Q2: Based on the law established in *Hyde v. City of Willcox*, what is the criteria for reasonable TASER energy weapon use? Explain your rationale using the court holding and analysis.**

<b>Passing Response</b>	The trainee attempts to articulate that TASER energy weapon use on restrained and non-resisting subjects who pose no threat is unreasonable.
<b>Failing Response</b>	The trainee attempts to articulate that TASER energy weapon use on restrained and non-resisting subjects who pose no threat is reasonable depending on the circumstances.

**Q3: What are some de-escalation techniques based on our agency policy that have the best chance of resulting in a favorable outcome when attempting to capture a detainee who has evaded officers within a jail facility?**

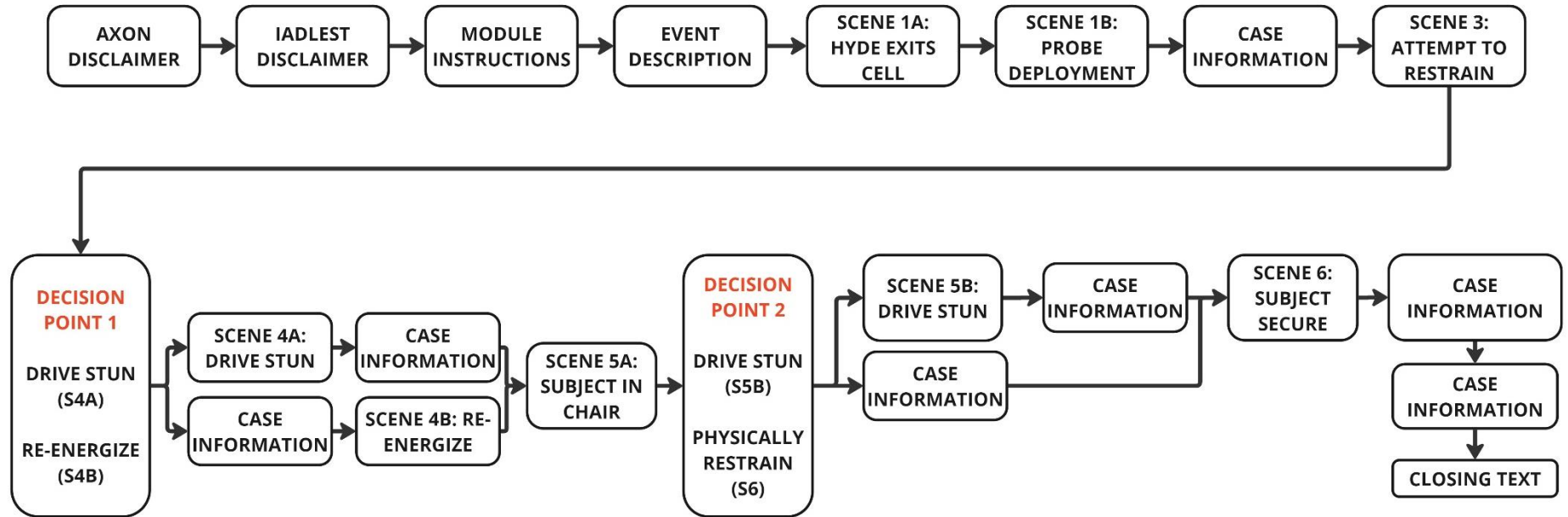
<b>Passing Response</b>	<p>The trainee clearly articulates that they would do the following:</p> <ul style="list-style-type: none"> <li>• Demonstrate reasonable use of force based on agency policy             <ul style="list-style-type: none"> <li>○ Use verbal de-escalation or give verbal commands</li> <li>○ Attempt to manually restrain the subject</li> <li>○ Deploy my TASER energy weapon</li> </ul> </li> <li>• Adjust my use of force based on an ongoing risk assessment of the subject and scene</li> <li>• Deploy and/or re-energize my TASER energy weapon until there is a change in the subject's behavior             <ul style="list-style-type: none"> <li>○ Once I observe a positive change in behavior, I won't continue subsequent deployments or re-energize cycles</li> </ul> </li> </ul>
<b>Failing Response</b>	<p>The trainee fails to articulate that they would do any of the following:</p> <ul style="list-style-type: none"> <li>• Demonstrate reasonable use of force based on agency policy</li> <li>• Adjust their use of force based on an ongoing risk assessment of the subject and scene</li> <li>• Deploy and/or re-energize their TASER energy weapon until there is a change in the subject's behavior</li> </ul>

**Q4: When writing a report, how should you explain the justification for your TASER energy weapon use? Do you only need to justify probe deployments? Explain your rationale using the court holding and analysis.**

<b>Passing Response</b>	The trainee clearly articulates that they should explain the justification for <i>each</i> TASER energy weapon deployment, re-energize cycle, or drive stun in their report and that <i>any</i> use of a TASER energy weapon must be justified by a legitimate threat to the safety of the officers or others on scene.
<b>Failing Response</b>	The trainee fails to articulate that they should provide justification for each TASER energy weapon deployment, re-energize cycle, or drive stun in their report.

## SCENARIO FLOW AND DECISION POINTS

The flowchart below shows the trainee decision points and their respective branches in the scenario.



## TRAINEE PRE-WORK HANDOUT: INTERACTIVE CASE LAW II

The purpose of this handout is to provide the trainee with an overview of the *Hyde v. City of Willcox* case information and court holding prior to completing the in-headset VR Interactive Case Law II scenario and facilitator debriefing.

### CASE OVERVIEW

- Luke Hyde was arrested for a drug-based DUI and transported to the local jail.
- At the jail, Hyde became agitated in a holding cell and charged the cell door, injuring himself.
- Officers opened Hyde's cell door to assist, and Hyde charged past them into the female area of the jail.
- Three officers deployed their TASER energy weapons on Hyde, and a struggle ensued to detain him.
- During the struggle, multiple officers fought with Hyde, and he was drive-stunned twice.
- Hyde fell to his knees and officers were able to handcuff him and shackle his legs.
- Hyde then stopped resisting and appeared exhausted from the struggle.
- Two minutes later, an officer drive-stunned Hyde on the leg as Hyde was being placed in a restraint chair.
- 15-20 minutes later officers noticed Hyde stopped breathing and was non-responsive.
- Officers removed him from the restraint chair and performed chest compressions.
- Hyde was transported to the hospital where he died several days later.

### NINTH CIRCUIT HOLDING & ANALYSIS

All TASER energy weapon use on Hyde *before* he was handcuffed and shackled was reasonable; all use of force *after* was unreasonable.

- Once Hyde was handcuffed and shackled, he had stopped resisting and no longer posed a threat.
- "The need for force waned as circumstances changed."
- For two minutes after he was detained, Hyde appeared fatigued, remained on his knees, as was surrounded by seven officers.
- "No longer a frantic and fast-evolving situation requiring officers to make split-second decisions"
  - Officers had time to reassess the situation
- Law was clearly established that TASER energy weapon use on restrained and non-resisting subjects who pose no threat is unreasonable.
- Continually assess the situation to determine if energy weapon use is appropriate – does the subject still pose a threat?
  - Justification is needed for each use of force!

#### References:

- *Hyde v. City of Willcox*, 23 F.4th 863 (9th Cir. 2022). <https://cdn.ca9.uscourts.gov/datastore/opinions/2022/01/06/21-15142.pdf>
- United States Court of Appeals for the Ninth Circuit. (2021, December 8). *21-15142 Jon Hyde v. City of Willcox* [Video]. YouTube. [https://www.youtube.com/watch?v=zF8NEYFZ\\_uo](https://www.youtube.com/watch?v=zF8NEYFZ_uo)