

A CITIZEN'S GUIDE

Understanding How Police Determine Appropriate Use of Force

Rory Miller

Author of Meditations on Violence



Cooperation. Compliance. Control.

"I commend and thank Miller for writing this important addition to the literature related to violence and law enforcement." —Alain Burrese, J.D., former U.S. Army 82nd Airborne, author

"As always, Miller's work delivers far more than he promises."
—Robert Crowley, Attorney, former Major, U.S. Army Special Forces

"Know your rights and your duties as a citizen... Read this book." —Wim Demeere, martial artist, author

"In an entertaining and informative way, Miller explains how and why police apply force."
—Steve Perry, New York Times, bestselling co-author of Tom Clancy's Net Force series

"Understand the world police officers must live in, twenty-four hours a day, seven days a week."
—George Mattson, martial artist, author In a free and peaceful society where so many have been taught that all violence is wrong, citizens are often confused and dismayed when officers use force, even when the force is perfectly lawful and justified.

This book allows you to 'take' a basic *Use of Force* class just as if you were a rookie at the police academy. Below are some highlights of what is included in 'your' basic *Use of Force* class:

Section 1: TRAINING. I explain policy and laws that officers are taught. We examine use of force, how to define a threat, and the difference between excessive force and unnecessary force.

Section 2: CHECKS AND BALANCES. This section explains how an officer's decisions are examined if suspected of being bad decisions.

Section 3: **EXPERIENCE**. We explore how officers see the world that they live in. Somewhere in the fog between training and experience, the officer has to make a decision. Sometimes decisions will be made in a fraction of a second and on partial information. Sometimes a decision will change the lives of everyone involved—forever.

Section 4: ABOUT YOU. Review what you should have learned. Why does community action fail? What can really be done? Know how to behave when faced by an officer. Until this section, I have tried to put you in the headspace of an officer, giving you an overview of his training and a taste of his experiences. Now I will try to let you feel like a suspect. That's a lot of mind bending for one book. Get plenty of sleep and drink lots of water.

Any civilian, law enforcement officer, or martial artist interested in selfdefense, or anyone wanting to understand the duties and responsibilities of civilians and police officers needs to read this book.



Rory Miller has been studying martial arts since 1981. He's a bestselling writer and a veteran corrections officer. He's taught and designed courses on Use of Force Policy and Decision Making, Police Defensive Tactics, and Confrontational Simulations. He also led and trained his former agency's Corrections Tactical Team. Recently, he taught methods to operate a secure prison for the Iraqi Corrections Systems, Iraq. Rory Miller resides near Portland, Oregon.

Author photo: Kami Miller. Cover photo: Jason Henthorn. Design: Axie Breen.



Advance Praise for Force Decisions:

Rory Miller pulls no punches in this hard-hitting look at the sometimes controversial topic of Use of Force and related force issues. He's going to push some people's buttons with this book, and that's good. because some people need their buttons pushed. I'd like to see every attorney read this book and just maybe it would eliminate, or at least reduce, the number of excessive force charges against officers who did nothing wrong. Miller does an excellent job of weaving legalities, moral issues, and experience into a practical look at force issues for both law enforcement offers and citizens they protect. I agree with Miller's first hard truth, "The only defense against evil, violent people is good people who are more skilled at violence." And I sincerely hope that people will read this comprehensive text and better understand why those sworn to serve and protect must use physical force to stop evil, and appreciate the decision to use such force, that officers must make under extreme conditions. I commend and thank Miller for writing this important addition to the literature related to violence and law enforcement. Superb job!

Alain Burrese, J.D., former U.S. Army 2nd Infantry Division Scout Sniper School instructor and author of *Hard-Won Wisdom From the School of Hard Knocks*, and the DVDs Hapkido Hoshinsul, Streetfighting Essentials, Hapkido Cane, and the Lock On: Joint Lock Essentials series

As always, Miller's work delivers far more than he promises. On the surface, this book is designed to explain to civilians how the thin blue line that protects them approaches the use of force. It accomplishes that task admirably. Having read this book, civilians will have a baseline understanding about the difficult and life-changing decisions law enforcement personnel make every day on their behalf. But this book is far more than an introduction to decisions that, to most civilians, will seem far-removed from their sheltered realities. At its heart, this book is an exploration of the mindset of both those sworn to protect and serve and of those from whom they protect us. For most of us, both perspectives will seem like alien worlds. To my mind, Miller's guided tour through both worldviews is the most valuable aspect of this book, and it will be the reason I recommend it to my friends and family.

Rob Crowley, attorney and former Major, United States Army Special Forces

"Police brutality! You can't do this! I know my rights!" is something police officers hear almost every day. But unfortunately, the people who say this often forget that the law not only gives them rights; it also gives them duties. You don't get one without the other. Neither can you claim your rights while refusing to uphold your duties. It's this disconnect that creates such problems in today's society and lands people in jail or with heavy fines to pay when it all could have been avoided . . .

In this book, Rory Miller gives you the information you need to understand what "Use of Force" is and how police officers follow procedures to enforce the law. Not only that, he also explains the logic behind them as well as all the legal aspects involved. You'll read not only the theory but also numerous real-life examples that illustrate how it works. As a result, you'll not only know your rights as a citizen but also your duties and both how and why police officers enforce them.

Do yourself a favor and read this book. You'll get the information you hope you'll never have to use, but will find invaluable the moment you absolutely need it.

Wim Demeere, martial artists, author of The Fighters Body

When you give somebody a badge, guns, a taser, pepper spray, and a baton, there needs to be a clear policy laid out as to when it is appropriate to use these tools. How and why the police apply force is something most civilians know little or nothing about, save stories they see on the evening news; Rory Miller's book explains this in a way that is both entertaining and informative.

The police are human and sometimes they screw up; mostly when they do, it is because they stepped away from departmental policies designed to protect them and the citizens.

Steve Perry, New York Times Bestselling co-author of Tom Clancy's *Net Force* Series

Force Decisions—A Citizen's Guide was written for those of us who blissfully go through life believing we will never have to defend ourselves, will never get into trouble with the law, or will never have to be "interviewed" by a police officer.

Force Decisions will help you understand the world that law police officers must live in, twenty-four hours a day, seven days a week. That a police officer must go *into* danger while the rest of us try to avoid or run *away* from danger.

While reading you will learn much more about yourself.

George Mattson, martial artist, author of The Way of Karate

FORCE DECISIONS A CITIZEN'S GUIDE

Understanding How Police Determine Appropriate Use of Force

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Summary: This book allows you to 'take' a basic "use of force" police academy class, including training, checks and balances, experience, and review (from both the police and the suspect points of view).—Publisher.

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Warning: While self-defense is legal, fighting is illegal. If you don't know the difference you'll go to jail because you aren't defending yourself, you are fighting—or worse. Readers are encouraged to be aware of all appropriate local and national laws relating to self-defense, reasonable force, and the use of weaponry, and act in accordance with all applicable laws at all times. Understand that while legal definitions and interpretations are generally uniform, there are small—but very important—differences from state to state. To stay out of jail, you need to know these differences. Neither the authors nor the publisher assumes any responsibility for the use or misuse of information contained in this book.

Nothing in this document constitutes a legal opinion nor should any of its contents be treated as such. While the authors believe that everything herein is accurate, any questions regarding specific self-defense situations, legal liability, and/or interpretation of federal, state, or local laws should always be addressed by an attorney at law. This text relies on public news sources to gather information on various crimes and criminals described herein. While news reports of such incidences are generally accurate, they are on occasion incomplete or incorrect. Consequently, all suspects should be considered innocent until proven guilty in a court of law.

When it comes to martial arts, self-defense, and related topics, no text, no matter how well written, can substitute for professional, hands-on instruction. These materials should be used for academic study only.

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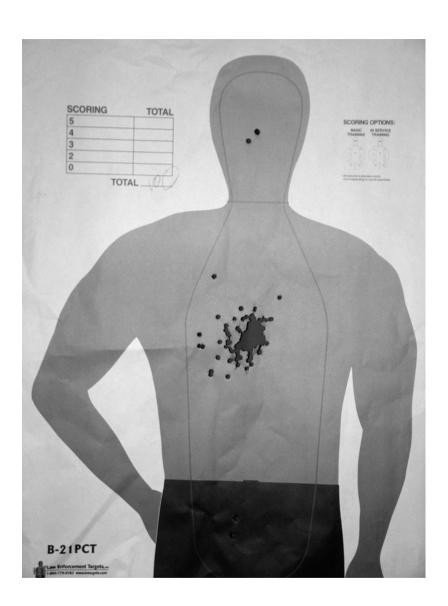
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INTRODUCTION

This book is a gift, a peace offering. It is an attempt to communicate across a vast gulf in culture and experience, the gulf that exists between the Law Enforcement community and those whom they protect.

Each day, media outlets all over the country describe events where officers use force. Often, the reporters and the citizens question the need for force at all or whether the type and amount of force used was really necessary. Citizens worry that their protectors—with badges, guns, clubs and Tasers®—are caught up in the rush of power, or perhaps giving vent to anger or bigotry.

The officers are frustrated too. Specialists in dealing with a world that is sometimes very dark and very violent, they feel scrutinized. They feel as if their actions are constantly under a microscope, judged by a populace without any experience or training in a very specialized field.

In this book, I want to show you how officers think about force, not only how we are trained to think of it, but also how experience shapes our beliefs and attitudes.

If you are one of the people who believe that officers are thugs and question each and every use of force, I don't want to change you. Let me say that again: I don't want to change you. Sometimes my job requires me to use force on behalf of society, on *your* behalf. That force should be subject to *your* scrutiny.

What I do want, if you have objections, is to have those objections based on facts and not emotion. Most people will have a negative reaction to any violence, and some problems (from child-raising to the boardroom to politics and medicine and . . .) simply don't have an answer that makes everyone comfortable.

You know what you saw or read. You know how that made you feel. The final data that you need to back up your reasonable objections are knowledge of the rules—to understand thoroughly the legal

and policy limits as well as the tactical considerations that the professionals understand.

There are truths and perceptions that frame this gulf. First, the perceptions: We have all been taught that peace is an ideal, and that hurting people is wrong. We have also been taught, in an egalitarian society, that what is wrong for one is wrong for all. And what is wrong to do to someone is wrong to do to anyone.

The truth, however, is harsh. It is this: The only defense against evil, violent people is good people who are more skilled at violence.

HARD TRUTH #1

The only defense against evil, violent people is good people who are more skilled at violence.

Throughout history, civilized people faced with people willing to use violence to attain their goals have tried a number of strategies.

Appeasement has failed. The hope that Hitler would be satisfied with Poland and Czechoslovakia only gave him more time to prepare. Bribery has failed, and paying off terrorists to prevent terrorism has been no more effective than Danegeld—money paid to Vikings to stop plundering. Reason and logic could not prevent the Khmer Rouge from killing every educated person in Cambodia. Simply being a good person couldn't dissuade the Inquisition.

Ah, but there is always Gandhi . . .

Not really. Without a relatively free press, a lot of publicity, and an opponent who needed support (both from voters and from trading partners), Gandhi would have quietly disappeared. Where were the Gandhis of Pol Pot's Cambodia, Stalin's Russia, or Ceasescu's Romania? Prague Spring—an attempt by the Czechs to create "socialism with a human face"—was ruthlessly crushed by the soviets.

The ideal of peaceful resistance only works when backed by the big guns of public opinion and economics, and only then if those two things matter to the person or institution that one is trying to change.

This is a hard truth: In a truly totalitarian environment the authorities cannot only kill, but they have control over who finds out about

it (communications and the media) and have control over the means to respond (control of economics, the vote and/or personal weapons). When these factors come together the populace is helpless, and the tactics of peaceful resistance result in death, torture, and the disappearance of family members.

HARD TRUTH #2

In a truly totalitarian environment where the authorities cannot only kill, but have control over who finds out about it and, have control over the means to respond, the populace is helpless.

This is the world: The wolf pack tears at a caribou, slashing at hamstrings, tearing out guts. Raw, primal violence. The caribou will run if it can, but if it can't, it will respond as best it can with violence of its own, kicking and goring the pack.

A cat toys with a mouse. The mouse may bite *you* if you try to save it.

Some predators stalk, some run in packs, some lie in ambush. All predators use violence as a strategy, the easiest and safest way to access a resource that they need or want.

Human predators are the same.

If a person can do so safely, it is easier to steal food than to grow it. It is easier to beat the weak into submission than to earn their respect. It is far easier to rape and abandon a woman than it is to raise children. All provided it can be done *safely*. Society, or someone acting on behalf of society, must make that kind of behavior unsafe.

A peaceful individual is ill-prepared to deal with a violent human being. The tactics of the courtroom, the boardroom, or the mediator simply don't work on someone who wants something and has no problem injuring someone to take it. A peaceful society compounds this by allowing the peaceful individuals to believe that their worldview is normal. It is a beautiful ideal but for most of human history, and in many places now, and even within individuals in the most civilized of Violence and crime will probably never disappear, for practical reasons. The rarer they become, the less experience and skill potential victims will have to combat them. The less violence and crime happens, the less it factors into planning, and the less people take care to protect themselves.

So the more rare violence is, the more profitable and safe violence becomes.

Crime and violence are usually an *individual advantage*, but they weaken the connections that keep society going and are a *community disadvantage*.

societies, it doesn't hold true. There are people for whom violence is a natural way to get what they want.

Civilized people must come to terms with the fact that only force, or the credible threat of force, could stop a Hitler, a Pol Pot, or a John Dillinger.

It's often been said, "Violence never solved anything." The simple truth is that when you are slammed up against the wall and the knife is at your throat, when a circle of teenagers is kicking you as you curl into a ball on the sidewalk, or when the man walks into your office building or school with a pair of guns and starts shooting—only violence, or the reasonable threat of violence, is going to save your life. In the extreme moment, only force can stop force.

HARD TRUTH #3

In the extreme moment, only force can stop force.

That's the truth, and in it lies the first problem:

Given that only violence can stop violence, and given that a modern, affluent, egalitarian society requires a certain amount of peace and trust to operate, who will be responsible for wielding this violence-stopping violence?

In caste systems throughout the world, there is a warrior caste

with the power to make war externally and visit justice internally. In European history, the nobility of the medieval period were professional fighters responsible both for war abroad and for justice on their own lands.

There were problems inherent in this model. What we consider an "abuse of power" had no meaning to the medieval mind. The lord had the power and could use it as he saw fit. Only a more powerful lord could intervene and only as far as he felt the force available to him would carry the day.

Modern societies have been forced to work with both the *fact* that force is sometimes necessary and the social *belief* that force is inherently wrong—the "last resort of the ignorant." The modern solution has been to create professions, soldiers and police, authorized to use force in the name of and for the benefit of society as a whole.

Looked at shallowly, this seems to present a paradox. If a John Wayne Gacy or Jeffrey Dahmer (serial killers and rapists, and Dahmer a cannibal) handcuffs someone and takes them against their will to another place, it is kidnapping. When an officer does it, it is an arrest. When a citizen shoots another citizen, it is usually murder. When an officer shoots someone, it is closely scrutinized, but it is usually an 'incident,' not a crime.

The analogy doesn't hold true all the time. Most of the time, officers *are* expected to act like citizens—follow traffic laws, respect other people's property, and not randomly blaze away with their handguns.

But when law enforcement officers are being *enforcement* officers, it isn't a 'most of the time' situation. The standard social rules, the way that life and people are expected to be, have already failed or started the downhill slide. 'Most of the time' people respect each other's persons and property. 'Most of the time' people can be reasoned with and will do the right thing. 'Most of the time' you don't need the cops.

Referees in any sport are not and cannot be held to the same standards as players. They have to do things players aren't supposed to do, such as confront other players and sometimes eject them from the game.

When you do need officers to respond, it is because the social rules, the way most of us agree things *should be*, are being ignored.

Someone has decided to act the way he wants to instead of the way he should. It is unlikely that the social corrections will work when people are already off the social map.

About Me

That's the 'why' of the book. This is what I bring to the table:

For seventeen years, I was a corrections officer and sergeant working booking, maximum security, and mental health units. During that time, I trained corrections and enforcement officers* primarily in force-related skills, like defensive tactics (hand-to-hand fighting and arrest techniques) and force policy.

Working direct supervision corrections (and especially booking) exposes a young officer to a wide variety of 'difficult people.' I was told early in my career that two years in booking would result in more experience with hand-to-hand fighting than a career in enforcement. I don't know if that is true. I do know that I have instructed a group of enforcement officers with 180 years of cumulative experience and had more force incidents than all of them combined.

In the course of my duties, I spent more than a decade on the Tactical Team, much of that as the team leader. We were the ones who got called when no one else felt confident about handling the situation. I was trained (but did not serve) as a Hostage Negotiator. I was, for a time, the sergeant designated to handle problems with mentally ill inmates.

That much exposure was a powerful incentive to understand the rules of force as well as to investigate ways to avoid it.

I have also worked as an Internal Affairs investigator and as a contract advisor for the Iraqi federal corrections service.

About You

In an egalitarian society, the basic rules for *how much* force is legal are the same for officers as for civilians. The big differences come

^{*} Corrections officers work inside the jails and prisons; enforcement officers make arrests and give tickets.

into play based on *when* and *how* force is used. A civilian who can walk away would not (should not, in most jurisdictions) use force, whereas an officer with a Duty to Act may have no choice. In cases of self-defense, citizens need to use force primarily to safely escape. Taking someone into custody requires different skills and entails different risks.

That will be covered in more detail later.

As much as possible I will put you inside the head of an officer—as a rookie at the academy in the first section, to growing into a veteran officer in the third. Every officer has been a civilian. Few civilians have ever been officers. Try it on for size.

The Format of This Book

This book is divided into two main sections with two smaller sections.

The first, "Training," shows what officers learn and how they are taught to think about Force. It will essentially be an introductory Use of Force class as it would be taught in many police academies. There will be some differences. Different jurisdictions have different policies. Another instructor might not emphasize what I do. What you will read in section one is almost exactly what you would experience if you were a rookie I was training.

Section two is a bridge. At the Academy, Use of Force is taught in a complicated web of other skills: gathering and preserving evidence, relevant law, driving, report writing, cross-cultural communication, etc.

You won't get that matrix of skills from a single book or even a dozen. There are a few things officers are taught that do pertain directly to force decisions and some things that will help you, as a civilian, put things in context. There will be an overview of how much time the officers spend on force skills, such as shooting and defensive tactics, at the academy.

Section two will also cover what happens when an officer is accused of breaking the rules. There will also be a short section on how self-defense law differs for civilians, in case you are interested.

The third section, "Experience," will describe how officers begin to see the world that they live in and how they feel about it.

FORCE DECISIONS—A CITIZEN'S GUIDE

It is artificial to separate training from experience, and there will be many places where I wish the human brain could read two things at once and blend and contrast them. There are some things taught in training (such as the difference between levels of force and levels of resistance) that often don't make sense, even to officers, until they come in contact with the real world. There are other issues, such as 'active shooter' tactics, where the doctrine flies in the face of experience.

Somewhere in the fog between training and experience, the officer has to make a decision. Sometimes the decision will be made in a fraction of a second on partial information. Sometimes the decision will change the lives of everyone involved forever.

The last section is a short piece about applying what you have read. It will probably hurt your feelings, since in much of it I will talk to you as if you were a suspect. Try to keep an open mind anyway. The easy part will cover what you should have learned. The hard parts will be about why community action fails and what can really be done—which is hard work and risk, not meetings and press conferences—and how you should behave when faced by an officer.

You are already a citizen and have your own experiences and points of view. In the bulk of the book, I will try to put you in the headspace of an officer to give you an overview of his training and a taste of his experience. In the very last section, I will try to let you feel like a suspect. That's a lot of mind-bending for one book. Get plenty of sleep and drink lots of water.

SECTION 1: TRAINING

I took my initial Use of Force training a very long time ago. There were a couple of hours of pre-service training when we were hired, some on-the-job training, and then the academy. We were given refresher training, usually one hour, at our annual in-service training after that.

Use of Force gets trained a lot because it is one of the "high-liability" subjects—the things that agencies commonly get sued over. It needs to be pounded into recruits and senior officers alike because high-speed judgments under stress are the meat of the job. Most of the rest of the things we do could be done by others—there's a lot of community service, helping stranded motorists, a lot of giving directions. Some counseling. Lots and lots of writing reports.

But the thing we do that others don't is face down angry, enraged, and often armed people. If the average person has trouble telling a salesman 'No,' he will have far more trouble telling an enraged meth addict swinging a chain 'No.' That's the job. And it's not enough to merely stop the bad guy. Most times anyone with a shotgun could stop anybody else. It is doing it in such a way that no one is offended, and that is hard because any use of force looks shocking to the uninitiated.

1.1 The Bottom Line

Everything that comes later will revolve around this concept. This is the basic tenet of using force for both civilians and officers:

You are expected and required to use the minimum level of force that you reasonably believe will safely resolve the situation.

Almost every word in that sentence is a legal concept.

A civilian is expected to use the minimum force—no more—that is necessary to resolve the situation. The officer, however, may be *required* to use that level of force. This hinges on the "Duty to Act," a concept that will be discussed at length in section 1.3.

FORCE DECISIONS—A CITIZEN'S GUIDE

The minimum level of force will be discussed in section 1.6, "The Force Continuum."

'Reasonably believe' can be very subjective, and there is a lot of case law trying to narrow it down. In any situation there is an almost infinite number of things that can happen: decisions that can be made, actions that can be taken. The reasonable person rule requires that whatever decision was made falls within the ballpark of what another reasonable person (ideally the jury members) might have done.

The rule is slightly different for Law Enforcement Officers (LEOs). The 'reasonable person' is exchanged for the 'reasonable officer' rule. The courts recognize that the difference in training and experience between an average reasonable citizen and an experienced officer can be vast. An officer who has been in a hundred fights will not see the situation the same way as a citizen who had one fight in junior high school, thirty years ago.

Further, courts and sensible people everywhere acknowledge that the officer can only be responsible for what he could have reasonably known at the time. He will never know if the three-hundred-pound man trying to take his gun has a heart condition, or that the drug dealer running from him is basically a nice person. He cannot fight differently or choose different ways to avoid fighting based on things he doesn't know.

Monday-morning quarterbacks and armchair generals are clichés in our society. The academic expert on application of force is no more credible.

Officers "are often required to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary . . . "

HARD TRUTH #4

Sometimes an officer will be forced to make a decision in a fraction of a second on partial information where the BEST choice will leave a corpse, a widow, two orphans, and someone who needs therapy.

^{*} Graham v. Conner 490 U.S. 386 (1989).

Listen up, recruit—

You will make mistakes. A lot of them. You will have only the information you can gather in a few seconds and you will act on that partial information in a heartbeat. Almost every time, you will make the best decision you could have made. You will, however, be judged by people who have the leisure and resources to do research.

Where you saw a man acting angry, confused and ignoring your attempts to communicate, they will identify, perhaps, a deaf man who was despondent over a lost job or a family illness.

When he swung his fist at you and you had to decide what to do in a fraction of a second, the theorists will have hours or even days to think of a response that they believe would have worked 'better'—that is, more safely and more effectively. From their point of view, with these advantages in time and knowledge, almost every decision you make can be called a mistake.

You *will* make mistakes, by their standards and by your own standards as well. As your instructors, we will do what we can to make sure that you make these mistakes safely, in training.

Training is the place for mistakes.

Years ago, we designed and ran a "Confrontational Simulations" course. In a ConSim course, the goal is to present realistic, high-stress situations and force the student to make hard decisions under extreme pressure. The goal of this particular class was to bring Corrections Officers, who were accustomed to being unarmed in a relatively controlled environment, up to speed on decisions and survival skills when they were working fully armed and outside the jail.

Many of the scenarios were intense: walking into armed robberies, former inmates wanting attention (good or bad), assassination attempts on high-profile offenders. Some were designed to draw a bad decision: in one case, exactly mimicking the assassination attempt, the 'threat' was a reporter with a microphone.

One scenario was just an elderly lady crying on a park bench. The officers were good and compassionate people. Most who went through the scenario spent endless energy trying to engage her in conversation, or provide some sort of help. The goal of the



SECTION 2: NEITHER HERE NOR THERE

If you have paid attention to this point, you should know what a rookie officer knows about force policy and law. You also know it very much the way a rookie does, as words on paper and ideas in your head. Now, go out and apply it in the real world. Better yet, don't. There are a few other things you might want to know.

Most rookies are given a very brief introduction to what could happen if they don't follow force policy. You deserve a bit more than that. So do they, but an Internal Affairs investigation is one of those things that we hope the rookie will never need to know.

Rookies at the academy are also taught some specific skills for using force—approved restraint and control tactics, and how to use firearms, OC, batons, and Tasers.

Lastly, for civilians who might need to use force, a quick overview of force law might be valuable. I'm sure my publisher will put this warning at the front of the book, but I'll echo here. This section is a guideline and not to be taken as legal advice. I am not a lawyer.

2.1 Checks and Balances

What happens when a Use of Force is suspected of being bad? It will be handled either through an internal process, or investigated by another agency.

This is the flow of events:

- 1. Officer is involved in an incident.
- 2. Someone—the threat, a witness, a fellow officer—decides that there was something wrong with the officer's actions.
- 3. The suspicion of wrongdoing is reported to another officer, a supervisor, a hot line, the Internal Affairs office, the press, the District Attorney, the chief . . .

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- 4. Whoever receives the initial report turns the information over to the people it should have been reported to, usually Internal Affairs (IA).
- 5. IA decides whether it warrants investigation and at what level.
- 6. An investigation is conducted.
- 7. A finding is reached.
- 8. The officer is disciplined or isn't.

Most of the book is about point one above. Again, aspects of the reality of this will be discussed in section three, "Experience." Here, "Checks and Balances," is about the way things are supposed to happen.

The Complainant. Someone decides there was something wrong with the officer's actions. Who that someone is, what they believed was wrong, and how they perceived it all weigh on how the complaint will be investigated.

When the complainant has something to gain, for instance, they are the threat or might be related to the threat, or have personal history with the person they are making the complaint about, that is extremely relevant.

The woman being booked for DUII (Driving Under the Influence of Intoxicants) wanted to talk to a supervisor. That was me. She claimed that my officers had raped her during the ten minutes she had been in booking.

I offered to check the video immediately.

"There are cameras? Wait, I remember. It happened outside." My officers hadn't gone outside the building that night and wore a different color uniform than the road officers—but I offered to check those cameras, too.

She then decided it was the arresting officers, on the way to booking; they had stopped the car and . . .

I told her that the arresting officers had called in to dispatch when they began the transport, and again on their arrival here. A discrepancy of even a minute would help corroborate her story. I also told her that I had already notified detectives, and they were

on the way. Whether her story had already fallen apart or not, it was an accusation of a major crime, and would be investigated.

One of the reasons for the cameras, and a primary reason for the policy to call in to dispatch at the beginning and end of transports, is that it is common for some arrestees to make allegations of serious crime, or abuse, and then offer to drop the complaint in exchange for the officers dropping the charges.

An *uninvolved citizen* is usually objective (that does not mean unemotional) about what they observed, but may not have the experience to know what is or is not an appropriate use of force. Objective does not necessarily mean calm or rational. Watching force can be traumatic. Some studies have indicated that witnessing an incident of bullying can be more traumatic to bystanders than it was to the victim.* Many citizens feel a need to do *something* about an incident that strikes them as so wrong . . . and any use of force or violence will strike certain good, peaceful people as wrong on a gut level, no matter how justified it was.

An officer who makes a complaint against another officer is taken very seriously. Unless the two officers have history. An agency can be very much like a small town, where everybody knows far too much about each other. Political and personal battles are often fought with formal and informal complaints, much like any other office.

None of this means that the complaints are dismissed out-of-hand. An uninvestigated complaint gives the appearance of a cover-up, and agencies are very sensitive to giving the slightest hint of the breath of the possibility of a cover-up.

A complainant with an obvious agenda, however, can make it simple to disprove the accusation, often without opening a full investigation or removing an officer from duty.

The Complaint. When a complaint comes in, the person receiving it records the relevant details—who, where, when, and as accurately as possible, what happened. The recipient also records who

^{*} Rivers, et al. "Observing Bullying at School: The Mental Health Implications," *School Psychology Quarterly* vol. 24 no.4 (2009) American Psychological Association.



SECTION 3: EXPERIENCE

HARD TRUTH #8

Experience will change you.

Maybe that doesn't seem like a hard truth to you. Often, it isn't. Growth and learning are just change. The longer you live, the more experience, the greater the change. In theory. It is a hard truth when it is based on hard experience.

The more intense the things you are exposed to, the less power normal experience will seem to have. Scraping a knee is a big deal for a toddler; not worth noticing to a boxer; trivial to the survivor of a bad car accident.

There are ways to manage the exposure, but an officer's day-to-day job is to deal with very intense situations. Have you ever been pulled-over and been given a ticket? Do you remember the feeling in your stomach? The officer felt that too, the first time . . . maybe the first hundred.

The side effect is that the individual's reasons why he had to speed and why the law should not apply in this one particular case are things the officer has heard many, many times before. This emotional event in the life of the speeder is only a routine and possibly aggravating aspect of the officer's workday.

Most people reading this have never seen a truly shattered corpse. Some have never seen a corpse at all . . . you pull a couple out of wrecks, and that is the context in which you hear the excuses and rationalizations. The excuses start to sound like bullshit, especially when you know damn well that every cry for greater sympathy from officers is, in the end, a self-serving cry for the rules not to apply to that person. That's a hard truth too, but since it's not about force and reactions to force, it doesn't get its own nifty label.

3.1 Types of Officers

To be fair, not all officers will have the same levels of experience. Not all will do the job with equal skill. When we talk about how experience changes officers, you have to take that into account. There are different kinds of officers and they tend to have experiences and attitudes that match their level.

Generally, officers start as eager rookies. Then they will become Lops, average officers, meat-eaters, posers, and/or burnouts.

Eager Rookie

The eager rookie wants to learn everything he can. He or she is often terrified of making a mistake and tends to stick to the rules, as well as they remember them. That is a key—a more experienced officer who understands the rules has more confidence in his or her discretionary power. A rookie will rarely cut slack because they have no real idea when it is appropriate, or even safe, to do so.

Robbie's spent the last 6 months in the academy and the staff tells him he's ready to hit the street. If he wasn't at the top of the class, it wasn't because he wasn't trying. He knows he's going to be part of The Thin Blue Line . . . and he's pretty sure he's ready. He's motivated, idealistic, and ready to save the world.

But Robbie is a rookie. The academy taught him all the book stuff, and the scenarios there gave him a taste of the job—but he's starting to see why his Field Training Officer says that he is barely ready to do the job. He's constantly being tested by new situations, by his supervisors, and by his coworkers. He's energetic, motivated . . . and he's just starting to feel like an officer.

There is also a lot to learn for a rookie—they must memorize the geography of their district; drive while handling the radio and the MDT (Mobile Data Terminal); and familiarize themselves with both criminal laws and the procedural laws of evidence and with the big book of policy and procedure.

It's a lot to learn and it is learned in a context of very high stakes.

A mistake in procedure could allow a violent felon to walk free. A mistake in decision-making during a force incident can result in injury or death to a suspect, a suspect who may not be guilty of anything. Fear of making that mistake can make a rookie or even an experienced officer hold back and end with the officer's death.

The kind of officer the rookie will become will depend on his character, his early experiences, and the officers that he takes as role models early in his career.

The Lop

(I have no idea why they are called 'Lops' or if it is merely a local term—other areas call them ROAD officers, Retired On Active Duty) is best described as a civil servant with a strong union. Every large agency has them. Secure in the knowledge that they can't be fired under any but the most extraordinary circumstances, they will do the minimum required and no more.

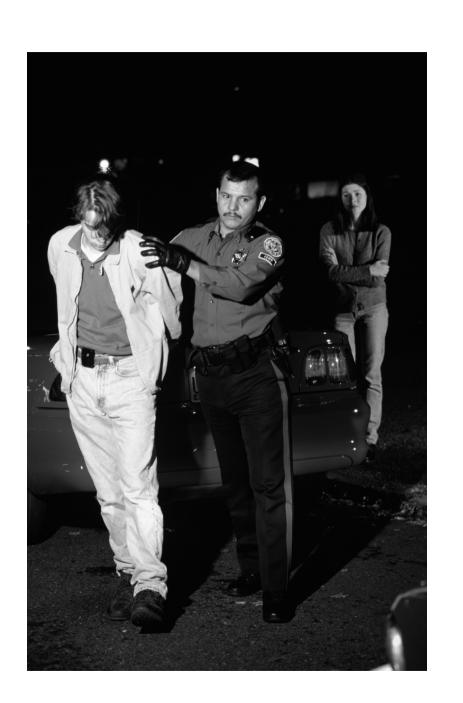
The lieutenant doesn't like the new guy on the shift. He's popular with the other troops and always seems to be first there when something goes bad. The new officer is a show-off and a cowboy. The lieutenant has decided to fix him, because it is a lieutenant's job to be in charge and point out and fix errors.

The lieutenant kicks back a report for a rewrite, like he does every time for this officer. It's not a terrible report, and the lieutenant knows that this officer teaches report writing, but the officer needs to learn who is in charge.

The next day, the officer turns in the re-written report. The lieutenant glances over it.

"Good. That's hundred percent better," the lieutenant says, never noticing that not a single word has been changed.

The Lop often gains very little experience. There is a skill to avoiding the stresses at work. It can be as simple as just being slow to answer the radio. Be a little slow, take a wrong turn or two, and an eager rookie or a pro will get there first and take care of the most dangerous



SECTION 4: ABOUT YOU

It's all about you, baby.

Here's the deal—you can read and study forever but if you can't use the information, it is worthless. Worse, if you can't apply this, I've failed as an author, and I hate that.

In this last section, I'm going to talk about you. Specifically, what you should have learned that might be new; how and why communities interact negatively with officers and how it could be better; and applying this perspective if you ever have to interact directly with an officer

4.1 What You Didn't Know Before

The purpose of the book is to help the average citizen understand how officers see force and how in many cases, officers have no choice (under the duty to act) or bad choices (cutting slack is literally betting their lives) in some of the decisions made. The United States, despite some hype and stories, is a largely affluent and peaceful place to live. We are inundated with reports of violence constantly, but violence itself is relatively rare.

This has several important effects, things that affect you as a citizen, juror, and voter:

- Any use of force appears shocking to the uninitiated
- People who make judgments about a use of force they were not involved in usually have access to information the officer did not have (such as a diagnosis for unusual behavior) and almost always have far more time to analyze information
- They also lack information the officer had. They did not see, hear, feel, smell, or sense what the officer did
- Stopping violence or potential violence is a separate issue from 'justice'—motive and mental competency are keys to determining the level of criminal culpability, but are irrelevant to whether someone must be stopped before they hurt somebody.

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I hope, and this may be the hardest sell in the book, that when you see or read of an officer using force you have a better understanding of the circumstances that drove it and the rules the officer works under. It is easy to react on an emotional level and demand change. It is rarely productive.

Change must be driven by understanding. It might be terrible, unfortunate, and tragic when a scared and confused man refuses to drop his knife and is shot. To be upset is a completely valid reaction, but completely emotional. Would the results have been better if the scared and confused man had been allowed to keep his knife?

A vague feeling that there should have been a better result is meaningless without a concrete tactic that would have worked better.

Every use of force hurts somebody. There will never be a violent person stopped from doing a violent action who is cool with it. (Not in the moment. There have been a few with a few days of perspective who thanked me for what I stopped them from doing.)

The questions to ask yourself, when evaluating a situation are:

- 1. What was the alternative to force being used?
- 2. What were the possible and probable consequences of those alternatives?
- 3. Was the option used the lowest level of force that would have safely worked? And remember, in this question, to be careful to distinguish between pain and injury.
- 4. Did the officer follow the rules?

That is the line that officers must follow and that citizens must demand. If we lived in a world where force was never necessary, none of this would matter and this book would just be an intellectual exercise. We don't live in that world and we can't pretend that we do.

Governmentally and societal sanctioned force is an immense power. You can't wish it away and you can't evaluate it from a utopian ideal. So we write rules for it and hold the people to those rules. Not to our feelings. And, if necessary, we change those rules but from understanding and insight, not from a vague sense of dislike.

THE HARD TRUTHS

- #1) The only defense against evil, violent people is good people who are more skilled at violence.
- #2) In a truly totalitarian environment where the authorities cannot only kill, but have control over who finds out about it and control over the means to respond, the populace is helpless.
- #3) In the extreme moment, only force can stop force.
- #4) Sometimes an officer will be forced to make a decision in a fraction of a second on partial information where the BEST choice will leave a corpse, a widow, two orphans, and someone who needs therapy.
- #5) You can't achieve a dream by dreaming.
- #6) There will never be a simple formula to give clear answers to how much force is enough. Force incidents are chaos and you can't write a cookie-cutter answer to chaos.
- #7) If you become injured or exhausted while at a certain level of force, it is a sure sign you were using too low a level. You are losing! If you keep using something that is already not working, you will fail utterly. This is not a game.
- #8) Experience will change you.
- #9) Knowing what to do is not the same as doing it.
- #10) Surrendering is a learned skill.
- #11) It's not about the officers versus the bad guys. It never has been. It's about the bad guys versus the victims.
- #12) Communities get the kind of crime that they tolerate.

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