



# Stone Busailah, LLP

A Partnership of Professional Law Corporations

1055 East Colorado Boulevard, Suite 320, Pasadena, California 91106 Tel (626) 683-5600 Fax (626) 683-5656

Vol. V, Issue No. 2

January 2003 Revised May 2018

## ***MICHAEL P. STONE'S 20 CRITICAL QUESTIONS FOR THE EXPERT POLICETRAINER<sup>1</sup> WITH REGARD TO THE SUBJECT USE OF FORCE EVENT:***

1. Was the officer properly and sufficiently trained to handle the situation?
2. How did the officer follow his/her training and apply it in this event?
3. How did the officer depart from his/her training in this event?
4. Was it objectively reasonable for the officer to depart from his/her training in this event?
5. Did the training adequately prepare the officer for this event?
6. Was there any breakdown along the way that degraded the officer's preparedness?
7. Were the techniques and tools attempted and used in the event properly and effectively taught in the first place by reality-based, dynamic training?
8. Were the techniques and tools understood by the officer and assimilated?
9. Was there appropriate testing to determine the level of understanding and assimilation?
10. Did the officer receive appropriate and timely refresher training?

---

<sup>1</sup> When an expert trainer, consultant or expert witness is engaged in reviewing a use of force incident, he or she should be able to consider and answer these questions about the use of force event before offering an opinion on the "reasonableness" of that use of force.

11. Was the officer negatively influenced or misdirected by peers (so-called "gunslinger mentality"), FTO's, supervisors, or another source of guidance or instruction?  
the same of similar circumstances as the subject officer?
12. Have the officer's experiences in the field, since the training, altered his/her use of the techniques and tools in a helpful or negative way?  
Stay Safe!
13. Did the officer display confidence in the training and ability in the tactics and tools?  
*Michael P. Stone* is the founder and principal partner of Stone Busailah, LLP. His career in police and the law spans 50 years. He has been defending law enforcement for 38 years in federal and state, criminal, civil, administrative and appellate litigation.
14. Is the officer able to articulate what he/she did and why? Are any psychological or physiological phenomena present, and how did these affect the officer's perceptions, responses, sequencing and recall?
15. Does the officer's explanation pass the "sniff test"?
16. Were there better alternatives to be used (watch out for 20/20 hindsight and the "shoulda, coulda, woulda syndrome")
17. Was the use of force within Department policy- why or why not?
18. Are Department policies realistic?
19. Did the officer understand Department Policy at the time of the event?
20. Was the use of force "objectively reasonable" from the standpoint of a reasonable officer in