

Event 2 – Force Options – ARCON
Session 1 – Introduction to Use of Force
LD 20 – Force Options

Date Revised: 12/03/19

Event Goal: To teach recruit officers when and how to use reasonable force.

Session Goal: To teach recruit officers the basic concept of use of force law and policy, and the guiding principle of reverence for human life.

Learning Objectives:

- Discuss reasonable force as stated by law **[20.I.A]**
- Discuss the components of the Fourth Amendment standard for determining objective reasonableness as determined by the U.S. Supreme Court **[20.I.B]**
- Explain the legal framework establishing a peace officer’s authority during a legal arrest, including: **[20.I.C]**
 - A subject’s requirement to submit to arrest without resistance **[20.I.C.1]**
 - Peace officer’s authority to use reasonable force during a detention or arrest **[20.I.C.2]**
- Identify the circumstances set forth in the California Penal Code when a peace officer has the authority to use force **[20.I.D]**
- Discuss the level of authority agency policies have regarding the use of force by a peace officer **[20.I.E]**
- Define the term “force option” **[20.III.A]**
- Identify that the objective of using force is to overcome resistance to gain control of an individual and the situation **[20.III.B]**
- Recognize force options and the amount of force peace officers may use based on the subject’s resistance **[20.III.C]**
- Explain the importance of training and ongoing practice when responding to potentially dangerous situations that may require the use of force **[20.III.D]**
- Discuss the importance of effective communication when using force **[20.III.E]**
- The student will demonstrate an understanding of how our Department's guiding value of Reverence for Human Life is the moral and ethical foundation of de-escalation, tactics, reasonable force, and officer safety.
- By the conclusion of the training, students will understand how the application of this training is in keeping with our Department’s UOF policy, philosophy and tactical planning.

Session Time: 1 hour

Resources:

- Classroom w/tables

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- White board
- Dry-erase marker
- Use of Force Tactics Directive No. 1 (2009) (1 per student)
- Special Order No. 5 (2017) (1 per student)
- Notice 3.2 (April 2017) (1 per student)
- Notice 1.3 (January 2018) (1 per student)
- Use of force standard poster board

Session Summary: The instructor will hand out Directive No. 1, Special Order No. 5, Notice 3.2 (April 2017) and Notice 1.3 (January 2018). Then he/she will lead an overhead facilitated discussion with the class.

Outline	Instructor Notes
<p>I. Introduction to use of force</p> <p>A. Reverence for human life - PC 835(a)(1) [1]</p> <ol style="list-style-type: none"> 1. Guiding principle in any use of force situation 2. It is both moral and ethical to place the highest value on human life 3. Not policy, but a philosophy for how to approach police work 4. Consistent with the department’s mission, vision, and values 5. Helps build public trust 6. Using tactical de-escalation techniques and reasonable force demonstrates this principle <p>B. Definition of a use of force</p> <ol style="list-style-type: none"> 1. Categorical <ol style="list-style-type: none"> a. Officer involved shooting b. Carotid Restraint Control Hold c. Intentional head strikes with an impact weapon d. Hospitalization 2. Non-categorical definition [2] <ol style="list-style-type: none"> a. An officer uses a less-lethal control device or physical force to b. Compel a person to comply with the employee’s direction c. Overcome resistance of a person during an arrest or a detention d. Defend any individual from an aggressive action by another person 3. Notice 3.2 <ol style="list-style-type: none"> a. Any overt exertion by the officer b. To maintain control 	<p>Handout – Directive No. 1, Special Order No. 5, Notice 3.2, Notice 1.3</p> <p>Facilitated discussion (1 hour):</p> <p>Explain – All use of force should be guided by the principle of reverence for human life.</p> <p>[1] Ask – What do you think we mean by reverence for human life?</p> <ul style="list-style-type: none"> • What are your moral and ethical responsibilities as a police officer as it relates to using force? • How can valuing human life build public trust? • What are some of the things that officers can do to demonstrate this principle? <p>[2] Explain – There are two classifications for a use of force. Categorical vs Non-categorical</p> <ul style="list-style-type: none"> • Ask – What do you think constitutes a reportable use of force?

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<p>c. And/or any struggle by the suspect</p> <p>d. Would then become a reportable use of force</p> <p>C. Use of force law</p> <p>1. 835(a)PC – authority to use force [20.I.C]</p> <p>a. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to: [20.I.C.1][3]</p> <p>1) Effect an arrest [20.I.D]</p> <p>2) Prevent escape</p> <p>3) Overcome resistance</p> <p>b. LAPD policy includes that officers may use reasonable force to:</p> <p>1) Defend yourself</p> <p>2) Defend others</p> <p>c. Officers do not have to retreat or desist from efforts to make an arrest by reason of the resistance or threatened resistance of the person being arrested</p> <p>1) Officers will not be deemed the aggressor</p> <p>2) Officers will not lose their right to self-defense by the use of reasonable force</p> <p>d. The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.</p> <p>1) Graham v. Connor (Supreme Court, 1989) [20.I.A][4]</p> <p>a) Incident Summary</p> <p>(1) Graham was a diabetic having an insulin reaction</p> <p>(2) He had his friend drive him to a convenience store to buy orange juice</p>	<p>Explain – 835(a)P.C. gives officers the legal authority to use force</p> <p>[3] Ask – Can you give me some examples of:</p> <ul style="list-style-type: none">• Effecting an arrest• Preventing escape• Overcoming resistance <p>[4] Explain – Graham v Connor summary</p> <ul style="list-style-type: none">• Describe the incident• Stop at various points and ask students to consider what the officers perceived
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<p>(3) There was a long line so he quickly ran out of the store and back to the vehicle</p> <p>(4) The vehicle quickly drove away</p> <p>(5) Officer Connor believed a 211 occurred at the store and conducted a traffic stop</p> <p>(6) Graham exited the vehicle, ran around the vehicle twice and passed out on the curb</p> <p>(7) Officer Connor believed that Graham was drunk</p> <p>(8) Officer Connor and backup officers handcuffed Graham and placed him face down against the hood</p> <p>(9) When Graham regained consciousness, he attempted to explain that he was diabetic</p> <p>(10) An officer shoved his face back down and then officers picked him up and put him in the backseat head first</p> <p>(11) After discovering that there was no crime at the store, officers released Graham at his home</p> <p>e. Objective reasonableness guidelines [20.I.B][5]</p> <p>1) Judged through the perspective of a reasonable officer</p> <p>2) Based on the totality of facts known to the officer at the time that the force was applied</p> <p> a) Examined through the eyes of an officer on scene at the time</p> <p> b) No 20/20 hindsight [6]</p> <p>3) Based on the facts and circumstances confronting the officer without regard to the underlying intent or motivation</p>	<p>[5] Discuss – Objective reasonableness guidelines and the importance of the “totality of the circumstances” in judging reasonableness</p> <p>[6] Ask – How does the no 20/20 hindsight ruling impact how reasonable force is determined?</p>
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<p>4) Based on the knowledge that the officer acted properly under established law at the time</p> <p>5) Must account for the fact that officers are often forced to make split-second judgments about the amount of force that is necessary in circumstances that are tense, uncertain, and rapidly evolving</p> <p>f. Reasonable officer standard [7]</p> <p>1) Would another officer with similar training and experience</p> <p>2) Facing similar circumstances</p> <p>3) Act the same way or use similar judgment</p> <p>4) Does not have to be the best decision, just a reasonable decision</p> <p>g. Factors used to determine reasonableness [8]</p> <p>1) The seriousness of the crime or suspected offense</p> <p>a) The crime that the officer is responding to with force</p> <p>b) Not necessarily the original crime</p> <p>2) The level of threat or resistance presented by the subject [20.III.C]</p> <p>3) Whether the subject was posing an imminent threat to officers or a danger to the community</p> <p>4) The potential for injury to citizens, officers, or subjects</p> <p>5) The risk or apparent attempt by the subject to escape</p> <p>6) The conduct of the subject being confronted (as reasonably perceived by the officer at the time)</p> <p>7) The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable</p> <p>8) The availability of other resources</p> <p>9) The training and experience of the officers</p>	<p>[7] Ask – What do you think the reasonable officer standard should include?</p> <p>[8] Explain – The court listed factors that should be used to determine reasonableness.</p> <ul style="list-style-type: none">• Ask – What do you think these factors are? <p>Show video case study – 72 year old Woman Tased (https://www.youtube.com/watch?v=UNPuVh5eACw)</p>
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<p>10) The proximity or access of weapons to the subject</p> <p>11) Officer vs subject factors</p> <ol style="list-style-type: none"> a) Age b) Size c) Relative strength d) Skill level e) Injury or exhaustion f) Number of officers vs number of suspects g) Environmental factors or other exigent circumstances <p>h. The objective of a use of force is to ultimately gain or maintain control of an individual and the situation [9]</p> <p>i. 835(a)(5)</p> <ol style="list-style-type: none"> 1) Individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement. <p>2. 834(a)PC [20.I.C.2]</p> <ol style="list-style-type: none"> a. If a person has knowledge, or by the exercise of reasonable care, should have knowledge b. That he is being arrested by a police officer c. It is the duty of such a person to refrain from using force or any weapon to resist such an arrest [10] <p>D. LAPD use of force policy [11]</p> <ol style="list-style-type: none"> 1. Federal and state law are guidelines, but officers must adhere to the department use of force policy [20.I.E] 2. Officers may only use that force which is objectively reasonable 3. LAPD policy is based on the factors used to determine reasonableness 	<p>[9] Ask – What is the ultimate objective of a use of force?</p> <p>[10] Ask – Are people required to submit to arrest by a police officer?</p> <p>Follow-up: Why would someone choose to resist arrest?</p> <p>Seeking:</p> <ul style="list-style-type: none"> • To escape/flee • To cause malicious harm to the officer • They do not trust the police • Fear of consequences <p>[11] Explain – LAPD Use of force policy is based on the Graham v Connor ruling, including objectively reasonable force, the factors that determine reasonableness, and the reasonable officer standard</p> <ul style="list-style-type: none"> • Note: Officers shall attempt to de-escalate and should always be guided by the principle of reverence for human life • There will be additional in depth training on de-escalation in future classes
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<p>4. Officers must consider the totality of the circumstances when selecting a reasonable force option</p> <p>5. Officers are not required to choose the “best” option, just a reasonable one</p> <p>6. Officers shall attempt to control an incident by using time, distance, communications, and available resources to de-escalate the situation, whenever it is safe and reasonable to do so</p> <p>7. Training circle in use of force tactics directive No. 1, 2009 [12]</p> <p>a. The circle is a training tool, not the policy</p> <p>b. The incident starts as soon as you get the call</p> <p>c. Assess</p> <p>1) While enroute</p> <p>2) Upon arrival</p> <p>3) When you enter a location or scene</p> <p>4) Throughout the entire incident</p> <p>a) What are the surroundings?</p> <p>b) What are the suspect’s actions?</p> <p>c) What force options are reasonable?</p> <p>d) Continually reevaluate the suspect’s actions and be prepared to transition to the appropriate force options</p> <p>d. Verbalize [20.III.E][13]</p> <p>1) Give clear, direct commands</p> <p>2) It is important to communicate with the subject before, during, and after a use of force</p> <p>a) Ensure that you verbalize when appropriate and safe to do so, such as when you are in a position of control</p> <p>b) You will learn many communication skills throughout your training that can aid you in a use of force</p> <p>e. Compliant</p> <p>f. Resistant [14]</p> <p>1) Passive</p>	<p>[12] Show – LAPD use of force standard poster board</p> <ul style="list-style-type: none">• Explain that the LAPD use of force policy always judges force based on a specific set of facts, the totality of the circumstances, and objective reasonableness• The use of force circle is simply a tool to help visualize the policy• There are no specific categories for when to use force, it must always be based on the objectively reasonable standard• UOF situations are tense, uncertain, and rapidly evolving – officers may start at any level of force or move to any other level of force at any time based on the totality of the circumstances <p>[13] Ask – Why is it so important to verbalize and communicate clearly?</p>
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<ul style="list-style-type: none">a) Does not respond to verbal commandsb) Offers no physical form of resistance2) Active<ul style="list-style-type: none">a) Physically evasive movements to defeat an officer’s attempt at control<ul style="list-style-type: none">(1) Bracing(2) Tensing(3) Pulling awayb) Verbally signaling an intention to avoid or prevent being taken into custodyg. Assaultive<ul style="list-style-type: none">1) Aggressive2) Combative3) Attempting to or threatening to assault the officer or another personh. Fleeingi. Life threatening or threat of serious bodily injury <p>E. Force options overview [15]</p> <ul style="list-style-type: none">1. Definition of force options [20.III.A]<ul style="list-style-type: none">a. Choices available to an officer when using forceb. Objective of using force [20.III.B][16]<ul style="list-style-type: none">1) Overcome resistance2) Gain control of the individual and the situation2. Officers must be able to justify their use of a force option compared to other available options3. LAPD force options available to officers [17]<ul style="list-style-type: none">a. Control holdsb. OC Sprayc. TASERd. Bean bag shotgune. Takedownsf. Impact weaponsg. Personal weaponsh. Ground controli. Carotid restraint control holdj. Firearm4. Training is essential [20.III.D][18]	<p>[14] Ask – What do you think is the difference between passive and active resistance?</p> <p>[15] Ask – What do you think we mean by the term force options?</p> <p>[16] Ask – What is the objective of using force?</p> <p>[17] Ask – What are the options available you as LAPD officers?</p>
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<p>a. Officers must continue training beyond the academy</p> <p>b. Arrest and control skills are perishable and must be trained often</p> <p>c. Officers must be ready because they do not know when they will be in a use of force</p> <p>d. Officers are required to respond to dangerous situations</p> <p>F. Tactical de-escalation</p> <p>1. Definition of tactical de-escalation [19]</p> <p>a. The use of techniques</p> <p>b. To reduce the intensity of an encounter with a suspect</p> <p>c. And enable an officer to have additional options</p> <p>d. To gain voluntary compliance</p> <p>e. Or mitigate the need to use a higher level of force</p> <p>f. While maintaining control of the situation</p> <p>2. Officer safety considerations [20]</p> <p>a. Tactical de-escalation does not require that an officer compromise his or her safety</p> <p>b. Nor increase the risk of physical harm to the public</p> <p>c. De-escalation techniques should only be used when it is safe and prudent to do so</p> <p>3. Using force does not equate to a failure of tactical de-escalation techniques [21]</p> <p>a. In many circumstances, using decisive force quickly is the most effective technique to reduce the intensity of the encounter and mitigate the need for a higher level of force [22]</p> <p>b. De-escalation means using good tactics, but the suspect’s mindset and subsequent behavior will determine if voluntary compliance can be gained [23]</p> <p>c. In many circumstances, successful use of de-escalation techniques will still result in a use of force</p> <p>d. The use and success of tactical de-escalation techniques should be judged</p>	<p>[18] Ask – Why is regular, continuous training in various force options so important?</p> <p>[19] Ask – What do you think the term tactical de-escalation means?</p> <ul style="list-style-type: none">• Are you familiar with these techniques?• In what situations do you think de-escalation would be helpful? <p>[20] Ask – What are some of the officer safety issues that you should consider when implementing tactical de-escalation techniques?</p> <p>[21] Ask – Does using force mean that tactical de-escalation techniques failed?</p> <p>[22] Ask – Can officers use decisive force to reduce the intensity of the encounter and mitigate the need for a higher level of force? Explain. Seeking: Yes, sometimes the best way to de-escalate is to use decisive force quickly.</p> <p>[23] Ask – What factor best determines if decisive force can be gained? Seeking: The suspect’s behavior</p>
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<p>from the perspective of all parties involved, not just the suspect's</p> <ol style="list-style-type: none"> 1) Victims or potential future victims 2) Officers 3) Community members/bystanders <p>e. Even the perfect “textbook” application of tactical de-escalation techniques may result in a use of force and injury to the suspect due to <i>their</i> behavior [24]</p> <p>4. Purpose of de-escalation [25]</p> <ol style="list-style-type: none"> a. Safely gain control b. Resolve the situation c. Reverence for human life <ol style="list-style-type: none"> 1) Public 2) Suspects 3) Victims 4) Officers d. Increases the likelihood of safely and successfully resolving a situation e. Managed and coordinated response f. Includes the transition from one force option to a lower level force option, thereby reducing the intensity of the encounter g. Build public trust <p>5. Elements of de-escalation [26]</p> <ol style="list-style-type: none"> a. Planning b. Assessment c. Time d. Redeployment and or containment e. Other resources f. Lines of communication <p>6. De-escalation is not always a viable option [27]</p> <ol style="list-style-type: none"> a. Tactical situations vary greatly b. There is no single solution to resolving every incident c. There are situations that cannot be de-escalated d. The safety of all parties involved is of the highest priority <p>G. Use of force reporting (Manual Volume 4, Section 245.05)</p> <ol style="list-style-type: none"> 1. Importance of use of force reporting [28] <ol style="list-style-type: none"> a. Thorough and accurate documentation <ol style="list-style-type: none"> 1) For court purposes 	<p>[24] Ask – What are some examples of how the suspect’s behavior may determine the result of an incident, even when officers perfectly apply tactical de-escalation techniques?</p> <p>[25] Ask – What is the purpose of de-escalation?</p> <ul style="list-style-type: none"> • Why is it important? • What are the benefits? • What are the costs? <p>[26] Explain – P.A.T.R.O.L. acronym and each of the elements of de-escalation. Tell the students that they will receive more in depth training on de-escalation in other classes.</p> <p>[27] Ask – What are some examples of when de-escalation may not be a viable option?</p> <p>[28] Ask – Why is it important to correctly and accurately report and document a use of force?</p> <p>Follow-up:</p> <ul style="list-style-type: none"> • What are some of the possible negative effects of incorrect or incomplete use of force reporting? • Who could be affected by negligent use of force reporting?
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<ul style="list-style-type: none">2) For administrative purposesb. Self-accountabilityc. Transparency to the public [29]d. Not reportable as a non-categorical use of force<ul style="list-style-type: none">1) The use of a C-grip, firm grip, or joint lock to compel a person to comply which does not result in an injury or complained of injury and where the person to be detained offers no active resistance.2) The use of force reasonable to overcome passive resistance due to physical disability, mental illness, intoxication, or muscle rigidity of a person which does not result in an injury or complained of injury<ul style="list-style-type: none">a) Use of a C-gripb) Firm gripc) Joint lockd) Joint lock walk downe) Body weight2. Notify a supervisor as soon as feasible after a reportable use of force	<p>[29] Ask – How does proper use of force documentation affect public trust?</p>
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