

**Event 2 – Force Options**  
*Session 2 - Use of Deadly Force*  
*LD 20 - Use of Force/De-Escalation*

**Date Revised:** 12/26/2019

**Event Goal:** To teach recruit officers the laws on the use of deadly force.

**Session Goal:** To give recruit officers an understanding of use of deadly force law and policy.

**Learning Objectives:**

- Discuss objectively 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]**
- Identify the circumstances set forth in the California Penal Code when a peace officer has the authority to use force **[20.I.D]**
- Identify the legal standard for the use of Deadly Force **[20.IV.A]**
- Identify the factors required to establish sufficiency of fear for the Use of Deadly Force **[20.IV.B]**
- Recognize facts an officer should consider when determining whether or not to use Deadly Force **[20.IV.C]**
- Discuss the role of agency policies regarding the Use of Deadly Force **[20.IV.D]**
- Recognize the law regarding justifiable homicide by a public officer and the circumstances under which the homicide is considered justifiable **[20.IV.E]**

**Session Time:** 3 hours

<b>Resources:</b>	
<ul style="list-style-type: none"> <li>• Classroom w/tables</li> <li>• White board</li> <li>• Dry-erase marker</li> <li>• Use of Deadly Force Handout (1 per student)</li> <li>• Audio visual equipment</li> </ul>	
<b>Session Summary:</b> The instructor will lead a facilitated discussion with the class.	
Outline	Instructor Notes
I. Use of force <b>[1]</b> A. Law and policy 1. 835a PC – Review the amended penal code section that became effective on January 1, 2020. 2. Graham v. Connor (Supreme Court, 1989) <b>[20.I.A]</b> A. Objective reasonableness guidelines <b>[20.I.B]</b>	<b>Facilitated discussion (1 hour):</b>  <b>[1] Ask</b> – Can anyone tell me what you remember about 835a PC?

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<ul style="list-style-type: none"> <li>a. Judged through the perspective of a reasonable officer</li> <li>b. Based on the totality of facts known to the officer at the time that the force was applied             <ul style="list-style-type: none"> <li>a) Examined through the eyes of an officer on scene at the time</li> <li>b) No 20/20 hindsight <b>[2]</b></li> </ul> </li> <li>c. Based on the facts and circumstances confronting the officer without regard to the underlying intent or motivation</li> <li>d. Based on the knowledge that the officer acted properly under established law at the time</li> <li>e. 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</li> <li>B. Reasonable officer standard <b>[3]</b> <ul style="list-style-type: none"> <li>a. Would another officer with similar training and experience</li> <li>b. Facing similar circumstances</li> <li>c. Act the same way or use similar judgment</li> <li>d. Does not have to be the best decision, just a reasonable decision</li> </ul> </li> <li>C. Evaluation factors for the use of force (Graham Inquiry of Reasonableness)             <ul style="list-style-type: none"> <li>a. The seriousness of the crime or suspected offense                 <ul style="list-style-type: none"> <li>a) The crime that the officer is responding to with force</li> <li>b) Not necessarily the original crime</li> </ul> </li> <li>b. The level of threat or resistance presented by the subject</li> <li>c. Whether the subject was posing an immediate threat to officers or a danger to the community</li> <li>d. The potential for injury to citizens, officers or subjects</li> <li>e. The risk or apparent attempt by the subject to escape</li> <li>f. The conduct of the subject being confronted (as reasonably perceived by the officer at the time)</li> </ul> </li> </ul>	<p><b>[2] Ask</b> – Why is it significant that the courts ruled that 20/20 hindsight may not be a factor used to determine reasonableness?</p> <p><b>[3] Ask</b> – What do you think the reasonable officer standard includes, or should include?</p>
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<p>g. 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>h. The availability of other resources</p> <p>i. The training and experience of the officer</p> <p>j. The proximity or access of weapons to the subject</p> <p>k. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects</p> <p>l. The environmental factors or exigent circumstances</p> <p>D. The objective of a use of force is to ultimately gain or maintain control of an individual and the situation</p> <p>E. The reasonableness of an officer’s use of deadly force includes consideration of the officer’s tactical conduct and decisions leading up to the use of deadly force</p> <p>3. 834(a)PC <b>[4][20.I.C] [20.I.C.1]</b></p> <p>A. If a person has knowledge, or by the exercise of reasonable care, should have knowledge</p> <p>B. That he/she is being arrested by a police officer</p> <p>C. It is the duty of such a person to refrain from using force or any weapon to resist such an arrest</p> <p><b>END OF HOUR 1 DEADLY FORCE</b></p> <p>4. Legal Standard for Use of Deadly Force <b>[20.IV.A]</b></p> <p>A. The courts as well as the officers must balance the nature and the quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.</p> <p>B. Sufficiency of Fear. 198 PC states officers cannot use deadly force based on fear alone. <b>[20.IV.B] [4]</b></p> <p>C. Recognize facts an officer should consider when determining whether to use deadly force. <b>[20.IV.C]</b></p> <p>a. Training and Experience</p>	<p><b>[4] Ask –</b> What are some factors to establish fear?</p> <ol style="list-style-type: none"><li>1. Sufficient to excite the fears of a reasonable person.</li><li>2. cannot act on fear alone</li><li>3. Use of deadly force must be to protect from SBI/Death.</li></ol>
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<ul style="list-style-type: none"><li>b. Judgement</li><li>c. Mental Alertness</li><li>d. Emotional Maturity</li><li>e. Facts and Circumstances Known at the time</li><li>f. Understanding Law and Agency Policy <b>[5]</b></li><li>D. 196 PC, Justifiable Homicide (amended penal code section that became effective on January 1, 2020); Homicide is justifiable when committed homicide is committed by peace officers and those acting by their command in their aid and assistance, under the following circumstances: <b>[6] [20.IV.E]</b><ul style="list-style-type: none"><li>a. In obedience to any judgment of a competent court;</li><li>b. When the homicide results from a peace officer's use of force that is in compliance with Section 835a.</li></ul></li><li>E. 197 PC, Excusable of further on Justifiable Homicide; When any person in self-defense or protection of domicile. When resisting any attempt by a person to stop a murder or an attempt to commit a felony where actions can cause serious bodily injury.</li></ul> <p>5. Preamble to the use of deadly force. <b>[7]</b></p> <ul style="list-style-type: none"><li>A. The use of deadly force is in all probability the most serious act an officer will encounter during their entire career in law enforcement.</li><li>B. It has the potential to have the most consequences for all of the parties involved. Therefore, it is imperative for the officer to act within the guidelines of the law, policy, ethics, moral values and good judgment.</li><li>C. The Department is committed to supplying training, leadership and direction to act wisely when the use of deadly force is required in the line of duty.</li></ul> <p>6. LAPD Policy, Department Manual section 1/556</p> <ul style="list-style-type: none"><li>A. Policy is provided as a guideline when using deadly force, so that officers can be confident in their actions and make good judgments. <b>[8]</b> The policy must be reviewed as an administrative guide for decision making and</li></ul>	<p><b>[5] Ask</b> – What is the difference between law and LAPD policy?</p> <p><b>[6] Ask</b> – If 835a PC gives officers the authority to use objectively reasonable force. What gives officers the right to use deadly force? (Answer- 835a PC)</p> <p><b>[7] Ask</b> – Why do we need a policy for using deadly force?</p> <p><b>[8] Ask</b> – What force options do you know of that are available to police officer?</p>
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<p>as a standard for external review. The review is the “Objectively Reasonable Standard” as set forth by the US Supreme Court case “Graham v Conner”</p> <ul style="list-style-type: none"><li>B. “An officer is authorized to use deadly force when it reasonable appears:” <b>[20.IV.D]</b><ul style="list-style-type: none"><li>a) To protect themselves or others from an imminent threat of death or serious bodily injury, or</li><li>b) To apprehend a fleeing felon for a crime involving serious bodily injury or death where there is a substantial risk that the person whose arrest is sought will cause death or serious bodily injury to others if apprehension is delayed.</li></ul></li><li>C. Deadly force shall only be exercised when all reasonable alternatives have been exhausted or appear impracticable.</li><li>D. An officer may draw or exhibit their firearm when, based on the tactical situation, it reasonable appears there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not justified or reasonable the officer shall, as soon as practical, re-holster or secure their firearm. (Dept. Manual 1/556.80)</li><li>E. Drawing and/or exhibiting the firearm is one factor that makes LAPD policy more restrictive than both Federal and State law.</li></ul> <p>7. Why are officers armed with the ability to use deadly force?</p> <ul style="list-style-type: none"><li>A. As long as members of our communities are victims of violent crimes, it will remain necessary for officers to be properly armed to confront these suspect(s).</li><li>B. Suspect(s) do not rely on firearms alone to inflict violence upon society. These are just a few of the more common weapons that are potentially fatal.<ul style="list-style-type: none"><li>a) Edged weapons, (knives, swords, etc.)</li></ul></li></ul>	
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- b) Blunt objects, (hammers, sports bats, etc.)
- c) Puncture weapons, (screwdrivers, ice picks, etc.)

**END OF HOUR 2 DEADLY FORCE**

- II. Conduct a live scenario using a student as an officer walking into the scene of an armed robbery in progress.
  - 1. Was the officer within policy to shoot?
  - 2. Was there any training you feel the officer needed to improve for the next time a similar scenario occurs?
  - 3. Discuss the acronyms “IDOL” and “BALKS”
  - 4. IDOL – **I**mminent **D**efense **o**f **L**ife
  - 5. BALKS – **B**ackground, **A**ge, **L**ast Resort, **K**nowledge of the Circumstances and **S**eriousness of the Crime.
  - 6. These acronyms help officers remember policy and understanding deadly force policy.

**Tabletop exercise**

Conduct a scenario of an armed robbery in progress. You as the instructor, will point a scenario gun at another student and simulate taking their money. Do the same scenario but point the scenario gun at the responding student immediately when the scenario starts. Have the students work as a team to determine if the responding student acted appropriately for both scenarios.