

Event 2 - Force Options
Session 8 – Use of Deadly Force Review
LD 20 - Use of Force/De-Escalation

Date Revised: 12/26/2019

Course Goal: The students will review the use of Deadly Force law and policy.

Learning Objectives:

- The recruit officers will understand the difference between LAPD vocabularies versus Post vocabulary.
- The recruits will review the Deadly Force policy as it pertains to LAPD policy and the law.

Session Time: 1 hour

Resources:	
<ul style="list-style-type: none"> • Classroom with tables 	
Session Summary: The instructor will have a facilitated discussion in the classroom reviewing California laws and case law.	
Outline	Instructor Notes
<p>I. The difference between LAPD vocabulary vs. POST vocabulary</p> <p>A. <u>LAPD</u> <u>POST</u></p> <p> 1. OC Chemical Agent</p> <p> 2. Taser ECD</p> <p> 3. Baton Impact Device</p> <p> 4. Beanbag Control Holds</p> <p>II. Case Law</p> <p>A. Graham Vs. Conner</p> <p> 1. Objective reasonableness guidelines</p> <p> 2. No Hindsight 20/20</p> <p> 3. Judged through the perspective of a reasonable officer</p> <p> 4. Based on totality of facts known at the time</p> <p> 5. Would another officer with similar training and experience, facing similar circumstances act the same way or use similar judgment</p>	<p>✓ <i>Quality through continuous improvement</i></p> <p>✓ <i>Service to our communities</i></p> <p>✓ <i>Respect for people</i></p> <p><i>Ask the class for evaluation factors for the use of force</i></p> <p>➤ Severity of the crime</p> <p>➤ Time available to the officer to make a decision</p> <p>➤ Availability of other resources</p> <p>➤ Training and experience of the officer</p> <p>➤ Size of suspect...etc.</p>

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<p>6. Does not have to be the best decision just a reasonable decision</p> <p>B. Tennessee vs. Garner</p> <ol style="list-style-type: none">1. Violent Felony Suspect who is fleeing2. Probable cause to believe the suspect poses a threat of serious bodily injury if apprehension is delayed3. The use of deadly force is a last resort4. Verbal warning given prior to the use of deadly force, when feasible <p>III. Law</p> <p>A. 835a PC – Review the amended penal code section that became effective on January 1, 2020.</p> <p>B. 834(a)PC</p> <ol style="list-style-type: none">1. If a person has knowledge or should have knowledge that he/she is being arrested by a police officer,2. It is the duty of such person to refrain from using force or any weapon to resist such an arrest <p>C. 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:</p> <ol style="list-style-type: none">1. In obedience to any judgment of a competent court;	<ul style="list-style-type: none">➤ <i>Have students discuss what types of felony crimes</i>➤ <i>Example of fleeing felon</i> <ul style="list-style-type: none">➤ <i>Do police officers have to retreat?</i> NO, 835a(d) PC states, “A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested.”➤ <i>Tactically, it may be a good option to reposition (redeploy) or utilize other de-escalation tactics; however, under the law, this is not considered “retreating.”</i>
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<p>E. Shooting at or from a moving vehicle</p> <ol style="list-style-type: none">1. Firing at and from a moving vehicle is generally prohibited2. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle.3. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and in the immediate defense of life. <p>F. Officers surrendering their weapon</p> <ol style="list-style-type: none">1. When officers are at the mercy of an armed suspect who has the advantage, experience shows the danger is not reduced by giving up their weapon.2. Officers are encouraged to use every tactical tool at their disposal to avoid giving up their weapon.3. If may be your only chance of survival. <p>VI. Intervention</p> <p>A. Intervention is the act of attempting to prevent or to stop the inappropriate or unlawful behavior of another.</p> <ol style="list-style-type: none">1. Intervention can take the form of a strong caution, physical restraint and/or immediately reporting the incident. <p>VII. If an officer who knows to intervene and has an opportunity to intervene and fails to do so could face criminal charges and/or civil liability.</p> <p>A. Two intervention techniques</p> <ol style="list-style-type: none">1. Immediate Technique (verbal, physical touching, physical restraint)2. Delayed Technique (discussion, admonishment, training)	<p><i>What are the consequences if you shoot a suspect who is driving a vehicle? Who is controlling the vehicle?</i></p> <p><i>If a suspect leaves the area with a hostage who protects the victim from SBI or death?</i></p>
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<p>B. Three most common factors that could lead to an officer failing to intervene in a use of force situation.</p> <ol style="list-style-type: none">1. Transfer of responsibility2. Rationalization3. Self-doubt	<ul style="list-style-type: none">➤ <u>What are some personal and psychological factors that could lead to a failure to intervene</u><ul style="list-style-type: none">-Peer pressure-Inexperience-Retaliation from other officers-New partner➤ <u>Consequences of not intervening</u><ul style="list-style-type: none">-Embarrassment-Civil litigation-Loss of job-Disciplinary action-Loss of public confidence-Criminal prosecution
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