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: • Classroom with tables						
Session Summary: The instructor will have a facilitated discussion in the classroom reviewing California laws and case law.						
	Outline	Instructor Notes				
Ι.	The difference between LAPD vocabularyPOST vocabularyPOSTA.LAPDPOST1.OCChemical Agent2.TaserECD3.BatonImpact Device4.BeanbagControl Holds	 ✓ Quality through continuous improvement ✓ Service to our communities ✓ Respect for people 				
11.	 Case Law A. Graham Vs. Conner Objective reasonableness guidelines No Hindsight 20/20 Judged through the perspective of a reasonable officer Based on totality of facts known at the time 5. Would another officer with similar training and experience, facing similar circumstances act the same way or use similar judgment 	 Ask the class for evaluation factors for the use of force Severity of the crime Time available to the officer to make a decision Availability of other resources Training and experience of the officer Size of suspectetc. 				

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- 6. Does not have to be the best decision just a reasonable decision
- B. Tennessee vs. Garner
 - 1. Violent Felony Suspect who is fleeing
 - 2. Probable cause to believe the suspect poses a threat of serious bodily injury if apprehension is delayed
 - 3. The use of deadly force is a last resort
 - 4. Verbal warning given prior to the use of deadly force, when feasible
- III. Law
 - A. 835a PC Review the amended penal code section that became effective on January 1, 2020.
 - B. 834(a)PC
 - 1. If a person has knowledge or should have knowledge that he/she is being arrest 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

- 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:
 - In obedience to any judgment of a competent court;

- Have students discuss what types of felony crimes
- > Example of fleeing felon

- Do police officers have to retreat?
 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."
- 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."

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	2. When the homicide results from a peace officer's use of force that is in compliance with Section 835a.	
D.	 197 PC- Justifiable Homicide by any person 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 	Any person includes a non-citizen
E.	 198 PC- Sufficiency of Fear Cannot use deadly force based of fear alone Sufficient to excite fears of a reasonable person. Use of deadly force must be to protect oneself from serious bodily injury or death. 	
	PD Policy Law enforcement officers are authorized	
Α.	to use deadly force to:	
	 Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or, 	<i>"Shoot to stop"</i> The goal of any use of force is to gain control.
	 Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury. Deadly force shall only be exercised 	
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	4	been exhausted or appearimpracticable.When an officer is uncertain in theirmind as to the appropriate use of	
		deadly force, the officer should not use	
		deadly force.	
V.		ers are not permitted to use deadly force	"When in doubt, don't shoot"
	•	event assaults which will not likely result ious injury.	
	111 301	ious injuly.	
	A. D	rawing and exhibiting policy	
	1	. 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.	
	2	. 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.	
		rotecting property	Milest if your K. Owers being
	I	 The use of deadly force to protect property is not justified by law. 	What if your K-9 was being stabbed by a suspect and you
	2	. K-9 dogs and Police mounted units	considered the K-9 your partner?
		(horses) are considered property.	Can you use deadly force?
	_		
		/arning shots	Warning chote "To provert the tables of
		Generally warning shots are prohibitedConsidered deadly force	Warning shots- "To prevent the taking of a life by not taking a life."
		. Must be a situation to prevent a threat	
		of SBI or death	
	D -	c.	
		over fire . Considered a use of deadly force	
		. Controlled and deliberate fire, directed	
	£	at a life endangering threat, where the	
		officer reasonably believes the threat	
		to be located.	

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	E.	 Shooting at or from a moving vehicle Firing at and from a moving vehicle is generally prohibited 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. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and in the immediate defense of life. 	What are the consequences if you shoot a suspect who is driving a vehicle? Who is controlling the vehicle?
	F.	 Officers surrendering their weapon 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. Officers are encouraged to use every tactical tool at their disposal to avoid giving up their weapon. If may be your only chance of survival. 	If a suspect leaves the area with a hostage who protects the victim from SBI or death?
		 rervention Intervention is the act of attempting to prevent or to stop the inappropriate or unlawful behavior of another. 1. Intervention can take the form of a strong caution, physical restraint and/or immediately reporting the incident. 	
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.		opportunity to intervene and fails to do so uld face criminal charges and/or civil	
	A.	 Two intervention techniques Immediate Technique (verbal, physical touching, physical restraint) Delayed Technique (discussion, admonishment, training) 	

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- B. Three most commons factors that could lead to an officer failing to intervene in a use of force situation.
 - 1. Transfer of responsibility
 - 2. Rationalization
 - 3. Self-doubt

- What are some personal and psychological factors that could lead to a failure to intervene
 Peer pressure
 Inexperience
 Retaliation from other officers
 New partner
- <u>Consequences of not intervening</u>
 <u>-Embarrassment</u>
 <u>-Civil litigation</u>
 <u>-Loss of job</u>
 <u>-Disciplinary action</u>
 <u>-Loss of public confidence</u>
 - -Criminal prosecution