

**LOS ANGELES POLICE DEPARTMENT
UNDERCOVER OPS/TACTICAL RESP
Expanded Course Outline
1850-32592**

Instructional Goal: To provide the student with the knowledge and skills to apply policy, procedure, and legal issues to undercover operations.

Performance Objectives: Using videos, learning activities, and scenario exercises the students will:

- Know the different roles and responsibilities of an undercover operation.
- 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.
- Understand the importance of and be able to apply the various factors involved in the planning and operational phases of an undercover operation.
- Apply Use of Force decision-making and de-escalation techniques in undercover- related Force Option Simulator (FOS) scenarios.
- 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.¹

References: Instructors, facilitators and training supervisors shall ensure that the most current references are utilized

This course provides current Penal Code Section 835a content

I. INTRODUCTION AND ORIENTATION (5 min)

- A. Introduction:
 - 1. Instructor (s)
 - 2. Name, Assignment
 - 3. Experience
- B. Conduct administrative duties (i.e., POST roster, notification cards)
- C. Brief overview of training topics
 - 1. Policy, Procedure, and Legal Issues
 - 2. Operations – Case studies, FOS, and Practical exercise
- D. DISTRIBUTE: Resource Guide
 - 1. Have a resource guide at each table
 - 2. Review handouts and guides

II. UNDERCOVER OPERATIONS OVERVIEW (25 Min)

- A. Undercover Operations Introduction
 - 1. LAPD Use of Force - Tactics Directive No. 10.3, Undercover Operations
 - a. Philosophy
 - b. The limitations of Undercover Operations
 - c. Avoiding blue on blue encounters
 - d. Pre-Operation planning
 - e. Equipment and dress
 - f. Communications

¹ LAPD Manual Volume 1, 556.10 and 556.80

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- g. Type and quality of investigation
- h. Resources
- i. Quality of Intelligence
- 2. Continued Operational Improvement
 - a. Learning from the past
 - b. Planning for the future

III. USE OF FORCE REVIEW²

(60 min)

Critical Incident Debrief Equation:

- Basic Concept (**BC**)
- Real World Variables (**RW**)
- Administrative Review (**AR**)

- A. Use of Force by Law Enforcement
 - 1. UOF by officers is a matter of critical importance and concern
 - 2. Some individuals will not comply with the law unless compelled to do so
 - 3. Law enforcement derives authority from the public
 - 4. Every attempt should be made to de-escalate situations
 - 5. Criteria
- B. Reverence for Human Life
 - 1. The guiding principle for our Use of Force (UOF) policy
 - 2. The Los Angeles Police Department is guided by the principle of Reverence for Human Life in all investigative, enforcement, and other contacts between officers and members of the public
- C. Fair and Unbiased Policing
 - 1. Officers shall carry out their duties, including UOF, fairly and without bias
 - 2. Discriminatory conduct of any kind is prohibited
 - 3. Failure to follow through on this principle has negative effects
 - 4. Procedural justice
- D. Inappropriate uses of force
 - 1. Violates constitutional policing principles
 - 2. Degrades the confidence of the community we serve
 - 3. Exposes the Department and fellow Officers to legal, physical, and personal hazards
- E. Objective Reasonable Standard³
 - 1. Factors used to determine reasonableness
 - 2. Evaluation standard(s)
 - 3. No 20/20 hindsight
- F. Appropriate Level of Force / Proportionality
 - 1. Actions should not be more severe than is reasonably necessary
 - 2. Only use levels of force that are reasonably believed to be proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance
 - 3. The guiding value when using force shall be reverence for human life.
 - 4. De-Escalation
- G. Requirement to Report / Intercede in Excessive Force Situations
 - 1. Shall report perceptions of excessive force

² LAPD Manual Volume 1, 556.10 and 556.80

³ Graham v. Connor 490 U.S. 386 (1989)

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2. Shall intercede when present and observing another officer using force that is clearly beyond that which is reasonably necessary
 3. Observing officers must consider that other officers may have additional information regarding the threat posed by a subject
- H. Drawing or Exhibiting Firearms
1. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm.
 2. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm
 3. Any intentional pointing of a firearm at a person by an officer shall be reported
 4. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm.
- I. Use of deadly force by law enforcement officers:
1. It is the policy of this Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:
 - a. To Defend against and imminent threat of death of serious bodily injury to the officer or another person (or)
 - b. To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.
 2. Define serious bodily injury
 3. Reverence for Human life
- J. Determining if Deadly Force Was Necessary⁴
1. Polices and legal issues
 2. Necessity of using deadly force
 3. In determining whether deadly force is necessary, officers shall evaluate each situation considering the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent reasonable under the circumstances.
- K. Rendering Aid / Reverence for Human Life
1. After any use of force officers shall immediately request a rescue ambulance for any injured person
 2. Officers shall promptly provide basic and emergency medical assistance to all members of the community based on the extent of their training/experience in First Aid/CPR/AED, the level of available equipment and the totality of the tactical situation
- L. Warning Shots
1. Reverence for Human Life
 2. "To prevent taking a life, by not taking a life . . ."
 3. Exceptional circumstances
 4. Locations/direction of fire
 5. Minimize the risk of injury to innocent persons, ricochet dangers and property damage
- M. Shooting At / From A Moving Vehicle
1. Immediate threat of death or SBI to officers or others by means other than the vehicle

⁴ California Penal Code Section 835a

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2. Shall move out of vehicle's path instead of discharging a firearm
3. Likelihood of a bullet stopping a moving vehicle
4. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with the department's deadly force policy
5. Accuracy when shooting from a moving vehicle
- N. Facilitated Tabletop Discussion (117e)
 1. Review Reverence for Human Life
 2. Ask: Is the LAPD Shooting Policy more restrictive than the Penal Code?
 3. Review and discuss history and legal precedent(s)
 4. Review references
 - a. Objective reasonableness^{5 6}
 - b. Tactical De-escalation⁷
 - c. Determining if Deadly Force is Necessary⁸
 5. Command and Control⁹
 6. Consequences of using force
 7. Discuss: Should an officer's decision to draw or exhibit a firearm be based on the tactical situation and the officer's reasonable belief that it may be necessary to use the firearm? ¹⁰
 8. Discuss: Is an officer justified to use deadly force to protect property interests?
 9. Discuss: May an officer fire at a violent fleeing felon even if the officer has doubts that the suspect is in fact the person wanted for life endangering crime(s)?
 10. Discuss: Is justification for the use of deadly force limited to what reasonably appears to be the facts known or perceived by an officer at the time the officer decides to shoot?
 - a. Policy¹¹
 - b. Objective Reasonableness¹²
 - c. Necessity of Deadly Force¹³
 - d. Assessment¹⁴
 11. Discuss: Could an officer use deadly force to effect the arrest of a person who has committed a misdemeanor, if there are no other means to apprehend the suspect?
 12. Discuss: Is firing at a moving vehicle to disable it generally prohibited?
 13. Discuss: Could Officers sometimes use deadly force to protect themselves from assaults that are obviously unlikely to have serious results?
 14. Discuss: Are there circumstances that would allow an officer to shoot a juvenile?
 15. Discuss: In General, can warning shots be fired?¹⁵
 16. Discuss: When should Officers use deadly force?
 17. Discuss: What is the Department's guiding principle when using force?
 18. Summarize training regarding stopping the threat

⁵ LAPD Use of Force-Tactics Directive, Use of Force Policy

⁶ Graham v. Connor 490 U.S. 386 (1989)

⁷ LAPD Use of Force -Tactics Directive, Tactical De-escalation Techniques

⁸ California Penal Code Section 835a

⁹ Training Bulletin, Volume XLVII Issue 4, Command and Control

¹⁰ Department Manual Section 1/556.80, Drawing or Exhibiting Firearms

¹¹ Department Manual Section 1/556.10, Policy on the Use of Force

¹² Graham v. Connor 490 U.S. 386 (1989)

¹³ California Penal Code Section 835a

¹⁴ LAPD Use of Force -Tactics Directive, Tactical De-escalation Techniques

¹⁵ Department Manual Section 1/556.10, Policy on the Use of Force

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19. Immediate Defense Of Life (IDOL)
20. Background, Age, Last resort, Knowledge, Seriousness of the Crime (BALKS)
- O. Other Deadly Force Issues
 1. Suicidal Subjects
 2. Furtive movement(s)
 3. Penal Code 835(a) and tactical redeployment^{16 17}
 4. Cover Fire; definition and application
- P. Group Discussion: Use of Force Standards **(117e)**
 1. Verbal Warnings
 2. Suspect's actions and force options available
 3. Reverence for human life is the guiding principle when developing tactics and strategies in pursuit of our motto: "To Protect and to Serve"
 4. Discuss unsafe to approach
 5. Size and stature
 6. Vulnerable Populations
 7. What is known at the time of the use of force
 8. Criteria for use of applicable weapon systems
 9. Minimum Use of Force¹⁸
 10. Available cover and type of weapon as factors in determining how close you can get to a suspect.
 11. Tactical De-Escalation techniques and their application
- A. Less Lethal Force Options and
- B. Review Tactical De-Escalation Techniques (PATROL)
 1. **P**lanning
 2. **A**ssessment
 3. **T**ime
 4. **R**edeployment and/or Containment
 5. **O**ther Resources
 6. **L**ines of Communication

IV. CASE STUDIES, TACTICS, and LEGAL ISSUES REVIEW

(90 Min)

- A. Review LAPD Use for Force – Tactics Directive 10.3, Undercover and Surveillance Operations¹⁹
- B. Review LAPD Tactical Operation Plan and Tactical Operation Plan Warrant Service Checklist²⁰
- C. Review OCOP Special Order 8, Surveillance and Search Warrant Procedures²¹
- D. Law Review – Consensual encounters²²
 1. Subjects are free to not cooperate with the police and may leave if they choose

¹⁶ California Penal Code Section 835a

¹⁷ LAPD Use of Force -Tactics Directive, Tactical De-escalation Techniques

¹⁸ Department Manual Section 1/115, Management Principles

¹⁹ LAPD Use of Force - Tactics Directive No. 10.3, Undercover and Surveillance Operations

²⁰ LAPD Tactical Operation Plan, Form 12.25.00 and LAPD Tactical Operation Plan Warrant Service Checklist, Form 12.25.01

²¹ OCOP Special Order 8

²² LAPD Training Bulletin, Contacts with the Public – Part I Legal Considerations

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2. Officers must not restrain or exert any authority over the subject
- E. What is a legal detention?²³
 1. Officer has reasonable suspicion, requiring specific and articulable facts
 2. Justification for Frisk/Pat Down Search
 - a. A pat search of a detainee is permitted if there is reason to believe the detainee was armed or dangerous
 3. Relevant circumstances
- F. Arrest²⁴
 1. Probable cause is the standard for a lawful arrest
 2. 4th Amendment
 3. There is no murder scene or crime scene exception to a warrantless search
- G. SPICE
 1. S – Search Warrant
 2. P – Probable cause-vehicle
 3. I – Incident to arrest
 4. C – Consent
 5. E – Exigent Circumstances
- H. Tactics/Officer Safety
 1. Officer safety, sound tactics and appropriate preparation should remain of paramount importance and should never be compromised in conducting plainclothes operations
 2. Always have an operations plan, including teams of support personnel
 3. Security (plainclothes), Arrest (uniformed or raid jackets), chase (uniformed)
 4. Change your body language
 5. Familiarize yourself with the area you are working
 6. Have the right attitude
 7. Remember you are the eyes and ears for the team – an intelligence gatherer
 8. Keep your supervisor and team advised of your location, observations, and activities.
 9. Keep your status updated
 10. Contact/Cover
 11. Identification
 12. Roles and Responsibilities Officers
 13. Role and Responsibility Supervisors
 14. Observation Post
 15. Planning/Briefing
 16. Communication/Notifications
 17. What to Avoid

V. UNDERCOVER OPERATIONS ROTATIONS – FOS and Scenario Exercise (295 min)

- A. Force Option Simulator (FOS)
 1. Purpose: The students will be placed in situations where they must determine the appropriate action based on the Use of Force – Tactics Directive 10.3 – Undercover Operations²⁵
 2. Scenario Analysis / Review (4 scenarios)

²³ LAPD Training Bulletin, Contacts with the Public – Part I Legal Considerations

²⁴ LAPD Training Bulletin, Contacts with the Public – Part I Legal Considerations

²⁵ Use of Force – Tactics Directive 10.3 – Undercover Operations

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- B. Practical Scenario Exercise
 - 1. Students will be given a common UC operation, develop the plan, and then put the plan into action with appropriate command and control.
- C. FOS and Scenario Critical Points to Review:
 - 1. Deadly force shall only be used a LAST RESORT
 - 2. When communicating with individuals always be aware of cover, concealment, and distance
 - 3. What is known at the time of the use of force
 - 4. Specific criteria for each weapon system or less lethal device utilized by LAPD
 - a. Beanbag Shotgun protocol²⁶
 - b. 40mm and TASER protocol²⁷
 - 5. Cover and type of weapon will determine how close you can get to a suspect
 - 6. Notifications

VI. TACTICAL DEBRIEF (5 min)

- A. Conducting Tactical Debriefs
 - 1. Prepare key points
 - 2. Be fair and honest
 - 3. Allow involved parties to give their thoughts and ideas
- B. Communicate lessons learned
 - 1. Share with team members
 - 2. Share with Chain of Command for future reference
 - 3. Share with Training Division to improve Department-wide operations

²⁶ Use of Force – Tactics Directive, Beanbag Shotgun

²⁷ Use of Force – Tactics Directive , Electronic Control Device - TASER