

**CA POST DISTANCE LEARNING GRANT PROGRAM (DLGP)
LOS ANGELES POLICE DEPARTMENT
USE OF FORCE AND DE-ESCALATION (DLGP)
COURSE CONTROL NUMBER 1850-49500
Expanded Course Outline (ECO)**

Instructional Goal: Students will be familiar with and able to apply the verbal strategies applicable to crisis negotiations in field situations in order to de-escalate situations and apply strategic disengagement techniques. This course provides updated legislative content of Penal Code Section 835a.

- **REVERENCE FOR HUMAN LIFE.** Reverence for human life is the primary consideration in developing tactics and strategies. It is the moral and ethical foundation of de-escalation, tactics, reasonable force, and community and officer safety.

Performance Objectives: Using small group activities, the students will:

- Understand guidelines for use of force
- Understand the utilization of de-escalation techniques and other alternatives to force when feasible.
- Understand specific guidelines for the application of deadly force.
- Understand factors for evaluating and reviewing all use of force incidents.
- Understanding appropriate use of force options, de-escalation techniques and command and control.
- 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.

Distance Learning Delivery Methodology: Using a small group of 20-40 students lead by 1-2 instructors, students will participate in the following:

- Live Webinars - A synchronously facilitated training that is delivered via the internet. It is considered an instructor-led course for the purposes of certification through EDI.
- A live webinar may be certified for CPT credit if the curriculum and instructor information is submitted in EDI in compliance with Regulation 1052. Additionally, presenters must advise the following:
 - A. **Method in which trainee attendance and course completion is verified:** Students will pre-register and log onto the Allogly instructional portal during scheduled instruction.
 - B. **Online registration - access code:** TBD
 - C. **Audio or text (chat area) interaction:** The Allogly portal will allow for real time interaction and break out groups of 4-5 monitored by lead instructor.
 - D. **Video transmission of trainee (e.g., Skype, Facetime, Zoom):** Allogly portal
 - E. **Method in which trainee interaction with the instructor for questions or exercises occurs:** Audio or text (chat area) interaction
 - F. **Video transmission of trainee (e.g., Skype, Facetime, Zoom):** Allogly portal
 - G. **Method in which instructor evaluates trainee performance and verifies the learning took place:** Individual written test at the end and group brief backs
 - H. **Assessment activity (test or submitted written assignment):** 10 questions online test with 80% passing requirement
 - I. **Taped Webinars:** Parts of the brief backs and presentation can be recorded for reach-back

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and future usage.

I. INTRODUCTION AND OVERVIEW

(30 mins)

- A. Welcome, Introduction and Course Overview
 - 1. Introduction of Instructor(s)
 - a. Name, assignment, experience
 - 2. Overview of Training
 - a. Course outline
 - b. Learning Activities
 - c. Reverence for human Life
 - d. Expertise of Instructors
- B. Community Expectations
 - 1. Save lives
 - 2. Rescue
 - 3. Adequately staffed
 - 4. Well Trained
 - 5. Experienced
 - 6. Alternative options to Use of Deadly Force
- C. ASK: How many incidents do you believe end up in deadly force?
 - 1. Expected Response
 - a. The public has a misconception that many incidents end up in deadly force situations.
 - b. Instructors will provide the following information.
 - 1) Current statistics regarding UOF.
 - 2) Common misconceptions are:
 - a) 10%-70% end up in deadly force.
 - b) Media contributes to misconception.
 - c) Deadly force events are more newsworthy than non-deadly force events.
 - c. Law Enforcement incidents have a lower percentage due to the following factors.
 - 1) De-escalation
 - 2) Verbal Warnings
 - 3) Proportionality
 - 4) Fair and Unbiased Policing
 - 5) Use of Force – Objectively Reasonable
 - 6) Drawing and Exhibiting Firearms Policy
 - 7) Rendering Aid
 - 8) Warning Shots
 - 9) Shooting at or From Moving Vehicles
 - 10) Requirement to Report Potential Excessive Force
 - 11) Requirement to Intercede When Excessive Force is Observed
 - 12) Totality of Circumstances
 - 13) Vulnerable Populations

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14) Reverence for Human Life

- D. De-escalation Core Concept employs the following.
1. Understanding of how our Law Enforcement guiding value of Reverence for Human Life is the moral and ethical foundation of de-escalation, tactics, reasonable force, and officer safety.
 2. Discuss:
 - a. Use-of-Force Policy
 - b. Weapons other than Firearms
 - c. Developmental Disabilities
 - d. Barricaded Suspects
 - e. Command and Control
 - f. Tactical De-escalation Techniques.

II. SB230, AB392 and 835(a)PC Overview

(30 mins)

A. Overview

1. Current affairs in Policing.
2. De-escalation and Strategic disengagement.
3. Definitions and Legal considerations
4. Challenges to implementation.
5. Administrative reflections and tips for best practices.

B. Excerpts from legislation

1. SB230
2. AB392
3. 835(a)PC

C. Changing Expectations

1. Community Expectations
 - a. Reasonable –vs- Right
 - b. Believe police are:
 - 1) Well-staffed
 - 2) Well-trained
 - 3) Will save & rescue
 - 4) Use minimal force
 - 5) Attempt to de-escalate
2. Courts/Legal Expectations
 - a. Reasonable –vs- Provoked
 - b. “Trust between law enforcement agencies and the people they protect and serve is essential to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services.” — Final Report of the President’s Task Force on 21st Century Policing (May 2015)

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- c. President's Task Force on 21st Century Policing Recommendations Pillar 2: "Policy and Oversight" • 2.2.1 Action Item: ...policies for training on use of force should emphasize de-escalation and alternatives to arrest or summons in situations where appropriate.
- d. President's Task Force on 21st Century Policing Recommendations Pillar 5: "Training & Education" • 5.7 Recommendation: ...training must also include tactical and operations training on lethal and nonlethal use of force with an emphasis on de-escalation and tactical retreat skills.

D. Change is not Easy

- 1. Psychology of resistance to change
- 2. The "What if" disease
- 3. Myths re: Mentally Ill & Suicide
 - a. Moral/Values conflicts
 - b. Police personality/culture
 - c. Hollywood Dilemma
 - d. Legal misconceptions

E. Legal Considerations

- 1. Suicide (in most states) and mental illness are not criminal events
- 2. No Duty to take "affirmative action" to prevent suicide
- 3. Unless "Special Relationship" created between officer(s) and subject • Must not leave subject in worsened state
- 4. Adams v. Fremont (1998) • In a suicide situation, peace officers are appropriately concerned primarily with... • the public's safety • their own safety • and secondarily, with the person threatening suicide
- 5. Graham v. Connor (1989) • Objective reasonableness standard • Whether officers' actions are "objectively reasonable" given the facts and circumstances... • ...regardless of intent or motivation
- 6. Deorle v. Rutherford (2001) • Governmental interest is measured by a range of factors, including... • severity of the crime • immediate threat to officers or others • actively resisting/evading arrest or other exigent circumstances
- 7. Hayes v. San Diego (2013) • Negligence in actions prior to use of force: • Once officers decide to intervene, they may be held liable for... • ...tactical conduct and decisions preceding the use of deadly force

F. Why Strategic Disengagement

- 1. One type of de-escalation strategy in specific circumstances
- 2. "Strategic" = a plan
- 3. Not a "walk-away"
- 4. Premise: Solution shouldn't be worse than the problem
- 5. Disengagement Considerations
 - a. The subject
 - b. First Responders
 - c. The subject's family

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d. The community

G. Disengagement Considerations

1. Continued contact may increase safety risks
2. No crime or a minor crime
3. Suspect or Subject?
4. No imminent danger to others/community
5. In public location or residence?
6. Suffering from mental illness

H. What's "Strategic" in Disengagement?

1. Assessing risk to all parties
2. Identifying most appropriate/proportional response to "what you actually have"
3. Delay or terminate contact
4. Delay custody
5. Leave
6. Determining follow-up options (e.g., Mental Evaluation Unit, family, clergy, therapist)
7. Collaborating with subject matter experts (e.g., Police Psychologist) and subject's family

I. Administrative Reflections

1. Genesis of Policys
2. Development process & current status
3. Expected benefits
4. While some situations require immediate police action, other circumstances may allow officers the opportunity to tactically disengage.
5. Under the appropriate circumstances, strategic disengagement may improve officer safety, mitigate threats, reduce injuries, build public trust, and preserve life.

**III. DE-ESCALATION, USE OF FORCE AND LESS LETHAL AND LETHAL FORCE OPTIONS
(60 mins)**

PSP IV (c), (d), (e)

A. Less Lethal Force Options

1. Hobble Restraint Device
2. Taser
3. 40mm Less Lethal Launcher
4. Baton
5. Beanbag
6. Oleoresin Capsicum Spray
7. Bola Wrap

B. Lethal Force Overview

1. Legal/Moral/Ethical Issues involving Use of Force/Lethal Force
2. Civil Implications of using Force/Lethal Force

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3. Lethal Force within the spectrum of force options
4. Verbal, Hands, Less than Lethal, Lethal Force
5. Escalation and De-escalation Process

C. Lethal Force Options

1. Firearms
 - a. Handgun
 - b. Shotgun
 - c. Patrol Rifle

D. Elements of De-escalation

1. De-escalation – Law Enforcement whenever feasible, officers shall use techniques and tools consistent with de-escalation training to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.
2. De-escalation techniques to consider. (PATROL concept)
 - a. Planning
 - b. Assessment
 - c. Time
 - d. Redeployment
 - e. Other Resources
 - f. Lines of Communication
3. Verbal Warnings – Where feasible, a peace officer should consider using, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts.
4. Proportionality – Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or perceived resistance.
5. Fair and Unbiased Policing – Officers shall carry out their duties, including the use of force, in a manner that is fair and unbiased. Discriminatory conduct based on race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.
6. Use of Force – Objectively Reasonable – Graham vs. Connor
7. Drawing and Exhibiting Firearms
 - a. 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.
 - b. Officers should consider 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.
 - c. 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.

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- d. Any drawing or exhibiting of a firearm shall conform to their department policy on the use of firearms.
8. Rendering Aid – The law requires officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for any person(s) injured in a use of force incident, when reasonable and safe to do so.
 - a. Departments Policy – After any use of force, regarding rendering aid.
 - b. To the extent of the officer's training and experience in first aid/CPR/AED
 - c. To the level of equipment available to an officer at the time assistance is needed
9. Warning Shots –Guidelines with your Departments Policy.
10. Shooting at or From Moving Vehicles-Guidelines with your Department Policy
11. Policy Requirement to Report Potential Excessive Force
12. Requirement to Intercede When Excessive Force is Observed
13. Totality of Circumstances
14. Vulnerable Populations – Vulnerable populations include, but are not limited to, children, people who are pregnant, elderly persons, and people with physical, mental and developmental disabilities
15. Reverence for Human Life

IV. SITUATION SIMULATIONS / CASE DEBRIEFS

(90 mins)
PSP IV (a), (b), (c),
(d), (e), (f), (g), (h)

A. *LEARNING ACTIVITY:* Critical Incident Review and Debrief

Purpose: To provide the students with a scenario in which the student must use critical thinking skills, discussions on subtopics related to de-escalation. Activity will allow for additional topics (noted below) to be discussed within a framework of an actual scenario. The students will enhance their communication skills by practicing their skills with the instructors

Procedure: Small Group Activity

1. Students will be placed into one to eight small groups
2. The groups will individually watch videos depicting a critical incident
3. As time allows each group will present their assessment of each incident to include what went well, what elements could stand to improve, how each incident relates to their individual department policy and debriefing guide.
4. 2-3 groups will be chosen, their video played, and group leader or team will discuss the debriefing elements facilitated by instructional team
5. Debriefs will cover the following at a minimum as a guide:
 - i. Tactical Communications – Officer to Officer/Suspect/Citizen/Victim
 - ii. Officer Safety
 - iii. Communications Elements
 - iv. Questioning Techniques
 - v. Intentional/Unintentional Contact Escalation vs. De-escalation

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- vi. Inappropriate Language
- vii. Individual agency differences for discussion
- 6. The video choices are listed below:
 - a. **Southeast Area Officer Involved Shooting – 10-14-20**
(<https://www.youtube.com/watch?v=J-PvN4V9NIQ>) – 19:08 min
 - b. **Van Nuys Area Law Enforcement Related Injury – 09-23-20**
(https://www.youtube.com/watch?v=v_ZfkM7Jjzw) – 11:54 min
 - c. **Rampart Area Officer Involved Shooting – 07-16-19**
(<https://www.youtube.com/watch?v=2dAplsUppak>) – 16:50 min
 - d. **Mission Area In Custody Death – 08-14-20**
(<https://www.youtube.com/watch?v=EudpweCQgL8>) – 32:50 min
 - e. **Van Nuys Area Officer Involved Shooting – 06-16-18**
(<https://www.youtube.com/watch?v=BrBolWNnbhU>) – 9:27 min
 - f. **Central Area Officer Involved Shooting – 05-30-20**
(https://www.youtube.com/watch?v=xY7J-g_izn8) – 5:40 min
 - g. **Devonshire Area Officer Involved Shooting – 11-01-20**
(<https://www.youtube.com/watch?v=BYk1JkUnl-k&t=7s>) – 18:47 min
 - h. **Wilshire Area Law Enforcement Related Injury – 05-30-20**
(<https://www.youtube.com/watch?v=sRAnY5B5HkU>) – 8:01 min

V. EVALUATION / COURSE DEBRIEF / STUDENT QUESTIONS

**(30 mins)
PSP IV (a)**

- A. Multiple Choice Test / Classroom Survey
 - 1. Conduct a short 10 questions multiple-choice test to evaluate students understanding of the course via on-line Allogly portal
 - 2. Conduct a classroom survey to assess the program's effectiveness and encourage feedback from students
 - 3. Complete CA POST Course Evaluation Instrument via online Allogly portal (<http://www.cei.post.ca.gov/>)
- B. Debrief / Closing:
 - 1. **Q&A** - Ensure to ask the students if they have any further questions or comments
 - 2. **Policy** - Advise the students that each de-escalation scenario is different, and they must analyze and apply skills they have learned to successfully handle every situation. Each department must develop policy in compliance with State Law.
 - 3. **Incident Debriefs** - The students will be given a thorough debrief of the situation simulations to uncover any questions the students may have and provide clarity for any communication techniques, procedural and policy protocol and officer safety tactics. This includes re-emphasis of effective communication skills and de-escalation techniques
 - 4. **De-escalation Principles** - Additional re-emphasis and review includes how guiding value of Reverence for Human Life is the moral and ethical foundation of de-escalation, tactics, reasonable force, and officer safety; and how the application of this training is in keeping with our department's UOF policy, philosophy, and tactical planning.

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5. **Reach back** - Advise all participants for link for reach-back products for policy, orders, bulletins and contact information