

**LOS ANGELES POLICE DEPARTMENT
USE OF FORCE AND DE-ESCALATION
1850-33886
Expanded Course Outline**

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 835(a). The course will provide the student with the minimum topics of Strategic Communications and Use of Force required in the POST Perishable Skills Training Program (PSP). The intent of the course is to improve the student's knowledge of use of force laws and policies as well as strategic communication skills. The course consists of facilitated discussion, case study analysis, and scenarios for in-service personnel.

Performance Objectives: Using 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
- **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.

STRATEGIC COMMUNICATIONS -CATEGORY IV

Minimum Topics/Exercises:

- a. Officer safety
- b. Escalation versus de-escalation
- c. Communication Elements
- d. Listening Skills
- e. Questioning Techniques
- f. Persuasion
- g. People with disabilities
- h. Team Communication during a critical incident
- i. Class Exercises/Student Evaluation/Testing

USE OF FORCE- CATEGORY V

Minimum Topics/Exercises:

- a. Statutory Law
- b. Case Law
- c. Agency Policies
- d. Reverence for Human Life

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- e. De-Escalation
- f. Duty to Intercede
- g. People with disabilities
- h. Rendering First-Aid
- i. Class Exercises/Student Evaluation/Testing

Distance Learning Delivery Methodology: Using self-paced training, students will complete the following:

- Students will complete training on their mobile devices using the LAPD University Application, downloaded from the App Store or Google Play. Contained within the app are videos, case studies, podcasts, and checks for knowledge.
- Each of the course modules will have content directed at accomplishing the performance objectives, followed by a test. The desired result is a more content workforce, providing optimal service to the community.
- Self-paced training may be certified for CPT credit if the curriculum and instructor information is submitted in EDI in compliance with Regulation 1053. Additionally, presenters must advise the following:

- A. **Method in which trainee attendance and course completion is verified:** Students will sign-up and log onto the LAPD University mobile application. They will then type a code into the Leadership Core course in the collections section. As the student progresses through the course, data is fed to the course administrators at LAPD Training Division, including student progress through the modules, examination scores, and rate of completion. Using this data, program administrators can mark the student has having completed the course.
- B. **Online registration - access code:** Students will receive a registration code for each course instance. This data is fed through the LAPD University software and verified by personnel from Training Division
- C. **Audio or text (chat area) interaction:** The LAPD University app will allow for real time interaction with a chat function
- D. **Method in which trainee interaction with the instructor for questions or exercises occurs:** Audio or text (chat area) interaction
- E. **Method in which instructor evaluates trainee performance and verifies the learning took place:** Individual written test at the end and chat function debriefs
- F. **Assessment activity (test or submitted written assignment):** 10 questions online test with 80% passing requirement. The data from the test will be transmitted via the software to the course administrators, whom will verify that the student has completed each segment.
- G. **Taped Webinars:** Parts of the brief backs and presentation can be recorded for reach-back and future usage.

I. INTRODUCTION AND OVERVIEW / STRATEGIC COMMUNICATIONS CONCEPTS (30 mins)
PSP IV (a), (b), (c), (d)
PSP V (c), (d), (e), (f), (g)

- A. Welcome, Introduction and Course Overview
 - 1. Introduction of Instructor(s)
 - a. Name, assignment, experience

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2. Overview of Training
 - a. Course outline
 - b. Learning Activities
 - c. Reverence for human Life
- 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 nationally
 - 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. The following factors can mitigate the need for higher levels of force
 - 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
 - 14) Reverence for Human Life
- D. De-escalation Core Concept employs the following
 1. Understanding of how the guiding value of Reverence for Human Life is the moral and ethical foundation of de-escalation, tactics, reasonable force, and officer safety
 2. Distribute:
 - a. Current Use-of-Force Policy as an example¹²

¹ Use of Force Tactics Directive No. 1.2, Use of Force Policy

² Department Manual, 1/556.10, Policy on the Use of Force

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- b. Bulletin regarding weapons other than firearms as an example³
- c. Bulletin regarding developmental disabilities as an example⁴
- d. Bulletin regarding barricaded suspects as an example⁵
- e. Bulletin regarding command and control as an example⁶
- f. Directive regarding tactical de-escalation techniques. (PATROL) as an example⁷
 - 1) Planning
 - 2) Assessment
 - 3) Time
 - 4) Redeployment
 - 5) Other Resources
 - 6) Lines of Communication

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

**(60 mins)
PSP IV (a), (b), (c)
PSP V (a), (b), (c), (d), (e)**

- 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)PC⁸
- 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

³ Training Bulletin, Vol XLVI, Issue 3, Weapons Other Than Firearms, Oct 2017

⁴ Training Bulletin, Vol L, Issue 7, Developmental Disabilities, Aug 2021

⁵ Training Bulletin, Vol XLVIII-9, Issue 4, Barricaded Suspects, Dec 2019

⁶ Training Bulletin, Vol XLVII, Issue 4, Command & Control, Jul 2018gt. Brian

⁷ Use of Force Tactics Directive No. 16, Tactical De-Escalation, Oct 2016

⁸ California Penal Code Section 835(a)PC

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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)

- 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
 - d. The community

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- 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. Development process & current status
 - 2. Expected benefits
 - 3. While some situations require immediate police action, other circumstances may allow officers the opportunity to tactically disengage.
 - 4. Under the appropriate circumstances, strategic disengagement may improve officer safety, mitigate threats, reduce injuries, build public trust, and preserve life.
 - 5. Participants will be able to provide commentary and discussion in a chat embedded within the app.

III. DE-ESCALATION, USE OF FORCE AND LESS LETHAL AND LETHAL FORCE OPTIONS

(60 mins)

PSP IV (b), (c), (d)

PSP V (b), (c), (d), (e), (f), (g)

- 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
 - 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

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1. Firearms
 - a. Handgun
 - b. Shotgun
 - c. Patrol Rifle
2. Carotid Restraint Control Holds
- D. Elements of De-escalation
 1. De-escalation policy –
 - a. As an example, “It is the policy of the LAPD that, whenever feasible, officers shall use techniques and tools consistent with Department 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.”
 - b. What are some of the other policies currently in effect?
 2. De-escalation (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 shall, 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.
 - a. What are some of the other policies currently in effect?
 - b. What are some of examples?
 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.
 - a. What are some of the other policies currently in effect?
 - b. What are some of examples?
 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.
 - a. What are some of the other policies currently in effect?
 - b. What are some of examples?
 6. Use of Force – Objectively Reasonable – Graham vs. Connor
 7. Drawing and Exhibiting Firearms Policy –
 - a. What are some of the policies currently in effect? (Discussion)
 - b. Below is an example of a policy that has been shaped through legislative and legal procedures.
 - c. 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

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- firearm.
- d. 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.
 - e. 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.
 - f. Any drawing or exhibiting of a firearm shall conform to this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported.
 - g. Such reporting will be published in the Department's Year-End Use of Force Report.
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. Review California law
 - a. What are some of the other policies currently in effect?
 - b. What are some of examples?
 - c. LAPD Policy – After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects and persons in custody, subjects of a use of force and fellow officers.
 - d. To the extent of the officer's training and experience in first aid/CPR/AED; and,
 - e. To the level of equipment available to an officer at the time assistance is needed
9. Warning Shots
- a. What are some of the other policies currently in effect?
 - b. What are some of examples?
 - c. LAPD Policy – It is the policy of this department that warning shots shall only be used in exceptional circumstances where it may be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes risk of injury to innocent persons, ricochet dangers and property damage.
10. Shooting at or From Moving Vehicles
- a. What are some of the other policies currently in effect?
 - b. What are some of examples?
 - c. LAPD Policy – It is the policy of this Department that 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. The moving vehicle shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent

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circumstances and consistent with this policy regarding the use of Deadly Force.

11. Requirement to Report Potential Excessive Force –
 - a. What are some of the other policies currently in effect?
 - b. What are some of examples?
 - c. Officers shall report potential excessive force to a superior officer when present and observing another officer using force that the officer believes is beyond that which is necessary, as determined by an objectively reasonable officer under the circumstance based upon the totality of information actually known to the officer.
12. Duty to Intercede (Penal Code 13519.10(b)(2), Penal Code 7286(b)(8))
 - a. What is a “duty to intercede?”
 - b. Bystander officer liability
 - c. What is the stigma around this?
 - d. What is your responsibility as a peace officer to intervene?
 - e. What are the consequences and liabilities?
 - f. What are some of the other policies currently in effect?
 - g. What are some of examples?
 - h. An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that the other officer may have additional information regarding the threat posed by a subject.
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

**(150 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.

Procedure: Activity

1. The Students will individually watch videos depicting a critical incident
2. Debriefs will cover the following at a minimum as a guide: **Participants will be able to provide commentary and discussion in a chat embedded within the app.**
 - Strategic Communications** – Officer to Officer/Suspect/Citizen/Victim
 - a. Officer Safety
 - b. Escalation versus de-escalation

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- c. Communication Elements
 - d. Listening Skills
 - e. Questioning Techniques
 - f. Persuasion
 - g. People with disabilities
 - h. Team Communication during a critical incident
3. 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=EudpweCQqL8>) – 32:50 min
 - e. **Van Nuys Area Officer Involved Shooting – 06-16-18**
(<https://www.youtube.com/watch?v=BrBoIWNnbhU>) – 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
7. Debrief/discuss the case studies
- a. What techniques were used and how effective or ineffective?

V. EVALUATION / COURSE DEBRIEF / STUDENT QUESTIONS

(60 mins)

PSP IV (i), PSP V (i)

- 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: **Participants will be able to provide commentary and discussion in a chat embedded within the application and will be monitored in real-time by an instructor.**
 1. **Q&A** – Students will be given the opportunity to ask questions using the chat function.
 2. **Policy** - 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 the opportunity using the chat function to debrief the situation simulations to uncover any questions the students

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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 (PATROL).

- a. Planning
 - b. Assessment
 - c. Time
 - d. Redeployment
 - e. Other Resources
 - f. Lines of Communication
4. **De-escalation Principles** - Additional re-emphasis and review includes how the 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.
5. **Reach back** - Advise all participants for link for reach-back products for policy, orders, bulletins and contact information