

LOS ANGELES POLICE DEPARTMENT
Vehicle Stops Advanced
1850-20832
Expanded Course Outline

Instructional Goal: The goal of this class is to assist officers in recognizing the risks associated with vehicle stops and identifying appropriate actions to enhance the safety of all involved, to include the violator, the public, and the officers themselves. Assist officers in recognizing the legal applications of the United States Constitution, specifically the Fourth and Fourteenth Amendments.

Performance Objectives: Using group discussion, learning activities and practical application the students will:

- Identify the reason for the Stop and communicate observations with your partner
- Apply effective communication Before, During and After a Vehicle Pullover
- Articulate justification for police actions to include consideration of 4th and 14th Amendments
- Understand the importance of selecting a location for the vehicle pullover
- Demonstrate ability to safely conduct the three types of vehicle stops
- Enhance the students understanding of the relationship of this training with our Departments Use of Force Policy.
- The student will 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.
- Understanding of Procedural Justice
- Understanding of Command and Control¹

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 (5 min)

- A. Introduction
- B. Overview of training goals and objectives

II. Use of Force Review (30 Min)

Purpose: To Discuss use of force considerations, policy, legal issues, moral and ethical dilemmas to include De-Escalation and Reverence for Human Life.

Procedures: Large group discussion

Review Department Manual Section 1/556.10, Policy on the Use of Force² and openly discuss how it affects the use of less-lethal force options.

- A. Reverence for Human Life
 - 1. In Preamble for Use of Force Policy
 - 2. Why?

¹ Los Angeles Police Department Training Bulletin, Training Bulletin Volume XLVII Issue 4, Command and Control

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

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3. How does this play into our decisions when using force?

B. California Penal Code section 835(a)³ As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.

1. The totality of the circumstances
2. That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.
3. Totality of the circumstances, that such force is necessary
4. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to;
 - a. Effect the arrest
 - b. Prevent escape
 - c. Overcome resistance
 - d. Only reasonable force may be used
 - e. You must have reasonable suspicion to believe that the person to be arrested has committed a public offense

C. *Graham v. Connor* 490 U.S. 386 (1989) affirms the “objectively reasonable” standard and states that the “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

1. No 20/20 hindsight
2. Based on the totality of facts known at the time
3. Would another officer with similar training and experience, facing similar circumstances act the same way or use similar judgement?
4. Does not have to be the best decision, just a reasonable decision

D. Tactical De-Escalation Techniques⁴

1. Guided by the principal of reverence for human life
2. The use of techniques to:
 - a) Reduce the intensity of an encounter with a suspect; AND,

³ California Penal Code Section 835a

⁴ LAPD Use of Force-Tactics Directive No. 16, Tactical De-Escalation Techniques

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- b) Enable an officer to have additional options to gain voluntary compliance; OR,
- c) Mitigate the need to use a higher level of force
- d) All while maintaining control of the situation
- 3. Tactical de-escalation **DOES NOT** require that an officer compromise their safety or increase the risk of physical harm to the public
- 4. Tactical de-escalation techniques should only be used when it is safe and prudent to do so
 - **P**lanning
 - **A**ssessment
 - **T**ime
 - **R**edeployment and/or Containment
 - **O**ther Resources
 - **L**ines of Communication

E. Command and Control⁵

- 1. The use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk.
- 2. Initial responsibility to begin the process to develop a plan of action falls upon the senior officer, or any officer on-scene who has gained sufficient situational awareness.
- 3. Tactical Consideration

F. Less Lethal Weapons and Ammunition

- 1. California Penal Code Section 16780(a)
 - a) “Less lethal weapon” means any device that is designed to or that has been converted to expel or propel less lethal ammunition by any action, mechanism, or process for the purpose of incapacitating, immobilizing or stunning a human being through the infliction of any less than lethal impairment of physical condition, function or senses including physical pain or discomfort. It is not necessary that a weapon leave any lasting or permanent incapacitation, discomfort, pain or other injury or disability in order to qualify as a less lethal weapon.
- 2. California Penal Code Section 16770
 - a) As used in this part, “Less Lethal Ammunition” means any ammunition that both of the following requirements.
 - 1) Designed to be used in any less lethal weapon or any other kind of weapon (including but not limited to firearms, pistols, revolvers, shotguns, rifles and spring, compressed air and compressed gas weapons; and

⁵ Training Bulletin, Volume XLVII Issue 4, COMMAND AND CONTROL

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- 2) When used in less lethal weapon or other weapon is designed to immobilize or incapacitate or stun a human being through the infliction of any less lethal impairment of physical condition, function of senses, including physical pain or discomfort.

G. Less-Lethal Force-Clarification⁶

1. Less-Lethal force options (OC Spray⁷, Baton⁸, TASER⁹, Beanbag Shotgun¹⁰, 40mm LLL and Less-Lethal munitions¹¹) are only permissible when:
 - a) An officer reasonably believes the suspect or subject is violently resisting arrest; or,
 - b) Poses an immediate threat of violence or physical harm.
2. Less-Lethal force options shall not be used for a suspect or subject who is:
 - a) Passively resisting, or
 - b) Merely failing to comply with commands.
3. Verbal threats of violence or mere non-compliance do not alone justify the use of Less-Lethal force.
4. In addition, generally, an officer shall give a verbal warning prior to using such force when feasible.

H. United States Court of Appeals for the 9th Circuit

1. Defines “Intermediate Force” as force capable of inflicting significant pain and causing serious injury. (Young v. County of Los Angeles)

I. *Deorle v. Rutherford* (2001DJDA 2725)

1. Officers have a duty to warn, if possible, before using any force option, including beanbags
2. The cloth cased shot constitutes force which carries significant risk of serious injury and thus is not to be deployed lightly

J. *Bryan v. McPherson* (630 F.3d 805)

1. X26 TASER and similar devices, when used in dart mode, constitute an “intermediate, significant level of force that must be justified by the governmental interest involved.”
2. Placed the taser at a higher level of force than most law enforcement agencies and the International Association of Chiefs of Police had placed them

K. *Young v. County of Los Angeles*

⁶ Office of Administrative Services Notice 1.3, Use of Less-Lethal Force Clarification

⁷ Use of Force-Tactics Directive, Oleoresin Capsicum

⁸ Use of Force-Tactics Directive, Baton

⁹ Use of Force-Tactics Directive, Electronic Control Device

¹⁰ Use of Force-Tactics Directive, Beanbag Shotgun

¹¹ Use of Force-Tactics Directive, 40mm Less Lethal Launcher

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1. Traffic stop for a seatbelt violation (infraction)
2. Pepper spray and baton blows are “intermediate force” because they are “capable of inflicting significant pain and causing serious injury,” and therefore “present a significant intrusion upon an individual’s liberty interests.”

III. VEHICLE PULLOVER REVIEW

(35 min)

A. FACILITATED GROUP DISCUSSION: Overview of Vehicle Pullovers¹²

Purpose: To review the terminology, techniques, policy, and procedure related to vehicle pullovers

Procedures: Large group discussion

1. Conduct a facilitated discussion to review the importance of the effective tactics during traffic stops
2. Review terminology and techniques to ensure consistency throughout the department
3. Key points related to Vehicle stops
 - a. Ensure to point out issues specific to the audience, i.e.:
 - 1) Tenured patrol officers
 - a) Complacency
 - b) Deviation from Department basic tactics (minor/substantial)
 - 2) Detectives / Plain Clothes Officers
 - a) Lack of uniform visibility/identification
 - b) May not have all additional equipment
 - (1) Police vehicle not fully equipped
 - (2) Not equipped with duty police belt
 - (3) Possibly not identifiable as an Officer
 - b. This overview is to ensure consistency in terminology and not to address every nuance of a vehicle stop
 - c. Each point will be thoroughly addressed during the learning activities and practical application of vehicle stops
 - d. This information is consistent with recruit officer’s instruction and is provided in totality as a resource to clarify current training
4. Traffic Enforcement Pullover
 - a. Reasonable suspicion/probable cause to believe that driver committed a traffic violation
 - b. Vehicle’s occupants represent no unusual risk
 - c. Expectation that pullover will result in a citation

¹² POST Workbook LD 22 Vehicle Pullovers, Categories of Vehicle Pullovers V-3.1

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5. Investigative Pullovers
 - a. Reasonable suspicion/probable cause to believe that occupant(s) of vehicle engaged or is about to engage in criminal activity
 - b. Expectation that an investigation might lead to a physical arrest
 - c. Reasonable expectation that the pullover involves less danger than a “High Risk” stop, but more than a traffic enforcement pullover

6. High Risk pullover
 - a. Reasonable suspicion/probable cause to believe that occupant(s) in vehicle may be armed or represent a serious threat to the officer, or have committed a felony
 - b. Reasonable expectation that an arrest will be made

7. General Vehicle Pullover Considerations¹³
 - a. Identify and be able to articulate the reason for the stop
 - 1) Communicate observations with partner
 - 2) Unusual vehicle description
 - 3) Occupants description
 - b. Record license number and vehicle description
 - c. Check vehicle license through SVS (Stolen Vehicle System) and AWWS (Automatic Wants and Warrants System). MDC (Mobile Digital Computer) returns should be read aloud to confirm information for both officers
 - d. Officers should continually be aware of the occupant(s) actions
 - e. Communications between all officers involved, prior to and during the investigation is vital to minimize confusion

8. Selecting a location for the pullover
 - a. Know the location for the pullover
 - 1) Officers should delay the pullover until they have selected a location that they can identify
 - 2) Attempt to make this location a legal place to stop
 - b. Be aware of physical hazards such as:
 - 1) Passing traffic
 - 2) Visibility impairments
 - 3) Illumination
 - 4) Potential hazards to the public
 - a) High risk stops in front of schools

9. Awareness of tactical safety issues such as¹⁴:
 - a. Escape routes
 - b. Tactical re-deployment for officers

¹³ Los Angeles Police Department Training Bulletin XXIX 9-97 L-Unit Vehicle Pullover Tactics

¹⁴ POST Workbook LD 22 Vehicle Pullovers, Officer Safety while conducting a vehicle pullover V-3.1

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- c. Available cover and/or concealment
 - d. Potentially hostile locations
 - 1) Gang hangouts
 - 2) Bars
 - 3) Special locations
 - e. Interference potential
 - 1) Pedestrian traffic
 - 2) Construction area
 - 3) A reminder of the possibility of encountering “persons with mental illness” with a strong emphasis on verbal de-escalation techniques and proper communication skills
10. Preparing to initiate a vehicle pullover¹⁵
- a. Maintain proper distance between vehicles
 - b. Too far provides the opportunity for violator/suspect vehicle to flee
 - c. Too close can cause a rear end collision
11. Use appropriate communications procedures
- a. Notify CD of direction of travel, license number and vehicle description, nature of the pullover, and any other pertinent information¹⁶, pullover location (Code Six)¹⁷
 - b. Use verbal communication so other officers in the area will be unaware of a vehicle pullover¹⁸
12. Officers should focus their attention on the occupant(s) and vehicle
13. Initiating a vehicle pullover
- a. Get the drivers attention
 - b. Activate forward facing red light
 - c. If driver fails to respond, use vehicle equipment to gain their attention
14. Adhere to body worn camera’s and digital in car video policy¹⁹

¹⁵ POST Workbook LD 22 Vehicle Pullovers, Planning and initiating a vehicle pullover V-3.1

¹⁶ Los Angeles Police Department Manual, 4/120.40 Radio Codes and Procedures

¹⁷ Notice, OCOS 1.2, Code Six Notification.

¹⁸ Los Angeles Police Department Use of Force -Tactics Directive No. 16, Tactical De-escalation Techniques

¹⁹ Los Angeles Police Department Manual 3/579.13 and 3/579.15, Deployment of Body Worn Video and Digital In-Car Video system
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Instructor Note.

- a. The information provided below shall be used as reference to assist in the debrief of the practical application of Vehicle pullover
- b. This information is consistent with the information provided at basic training.
- c. The nuances of conducting vehicle stops should be addressed in the debrief of the practical application and not in the lecture portion of the training

B. GROUP DISCUSSION: Traffic Enforcement Pullovers²⁰

1. Effecting the pullover
 - a. Watch occupants while vehicle is yielding
 - b. If the location of stop is unsafe, instruct driver to move vehicle to safe location unless inadvisable to do so.
 - c. If a risk is perceived, request additional units
 - d. Patrol vehicle placement
 - e. Use appropriate lighting
2. Passenger officer's responsibilities²¹
3. Driver officer's responsibilities
4. Removing occupant(s) during traffic enforcement pullovers
 - a. Situations where it may be prudent to direct occupants out of their vehicle:
 - 1) Continuing an investigation
 - 2) Searching a vehicle
 - 3) When an arrest is imminent
 - 4) Verifying identification
 - 5) Conducting a driving under the influence (DUI) investigation
 - 6) When the safety of occupant(s) and/or officer are at risk from passing traffic
 - 7) Requesting the driver to exit vehicles is based on the inherent danger facing officer on traffic stops²²

C. GROUP DISCUSSION: Investigative Pullovers (when asking suspect to exit)

1. Patrol vehicle placement is the same as a traffic enforcement pullover
2. Passenger officer's responsibilities
3. Driver officer's responsibilities

D. GROUP DISCUSSION: High Risk Pullovers

1. Notify CD and follow suspect vehicle until additional units arrive
2. Police vehicle placement

²⁰ Whren v. United States, 517 U.S. 806 (1996)

²¹ POST Workbook LD 22 Vehicle Pullover, Approaching the Target Vehicle V-3.1

²² Pennsylvania v. Mims 434 U.S. 106 (1977)

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3. Officers positioning
4. Verbal commands
5. Removal of suspect(s)
6. Approaching the suspect's vehicle
7. Approaching prone suspects
 - a. Approaching one suspect
 - b. Approaching two suspects
 - c. Approaching three suspects

E. DISCUSSION: Van Pullovers²³

1. Van pullovers provide a unique set of circumstances because of shape and concealment possibilities
2. Traffic Enforcement Pullovers
3. Investigative Pullovers
4. High Risk Pullovers

F. RESOLUTION OF VEHICLE PULLOVERS

1. Once the situation is resolved the primary unit should ensure that the suspect and subjects who are not arrested from the incident are provided with an explanation of the circumstances surrounding the police action
 - a. All community members have the right to be treated with dignity and respect²⁴
 - b. Often a simple explanation as to why the incident occurred can de-escalate a possible high stress situation ²⁵
 - c. It is human nature to seek an understanding of " Why?"
 - d. Use a language interpreter if needed
2. Effective communication strategies based on the specific pullover
 - a. Traffic Enforcement
 - 1) Explain why they were stopped
 - 2) Educate what the law is
 - 3) ASK: "Are there any questions for me?"
 - 4) Fully explain a warning
 - 5) Ask appropriate professional question to get the information necessary
 - a) Leading questions
 - b) Fact Finding Questions
 - c) General Questions
 - d) Open Ended questions to get additional information

²³ POST Workbook LD 22 Vehicle Pullover, Non-Conventional Vehicle Pullovers V 3.1

²⁴ Los Angeles Police Department Manual 2021, Core Values

²⁵ Los Angeles Police Department Use of Force-Tactics Directive No.16 Tactical De-escalation Techniques

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- b. Investigative- Explain the following
 - 1) Why the pull over was conducted
 - 2) What activity alerted the officer?
 - a) Radio Call
 - b) Suspicious activity
 - c) Crime alert
 - 1) Appeal for help or compliance with what caused stop
 - 2) Provide a Business Card if needed
 - 3) ASK: "Are there any questions for me?"
 - 4) Clarify understanding as to why the stop occurred
 - 5) If additional questions request a supervisor to provide additional resolution

- c. High Risk-Explain the following
 - 1) Actions based on policy and the law
 - 2) Possibility of weapons present
 - 3) Safety of all parties involved is paramount
 - 4) Unknown trouble or danger
 - 5) ASK: Are there any questions for me?"
 - a) Avoid using police jargon during
 - c) Empathize with their view
 - d) Safety overall is your primary concern
 - 6) Thanking involved parties for their cooperation
 - 1) Empathize with the inconvenience or delay
 - 7) Verbal Communication and non-verbal communication (body language) must be congruent
 - a) Non-congruency leads to lack of trust and erodes credibility
 - b) For example: Officer states "I apologize for the inconvenience"; while he is rolling his eyes, and using a condescending tone
 - c) Demeanor- body language professional
 - 1) Check for implied messages that may send the incorrect message
 - a) Constantly check watch: bored, rushed, want to leave
 - b) Hand resting on gun grip: feel threatened, ready to draw
 - c) Officer behavior may be send mixed messages to community
 - d) Every encounter is different, however when closing the encounter aims for a pleasant resolution
 - e) Request for information
 - 1) If the subject request your "badge number"
 - a) Advise them that the Los Angeles Police Department uses serial numbers to identify officer
 - b) Give them your serial number
 - c) Remember serial numbers are not secret numbers, it is an identification
 - d) Give a business card (if available)

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- e) If citation is issued advise where serial number can be found on the citation
- f) If the subject insists on the your “badge number”, provide it but advise that the serial number is the better identification number
- e) Digital in Car Video System (DICVS) and Body Worn Video (BWV)– when applicable²⁶
 - 1) The deployment of these videos systems enhances the collection of evidence;
 - 2) assists officer with completing reports and providing court testimony;
 - 3) promotes accountability;
 - 4) assists in resolving complaints against officers;
 - 5) Provides additional information for officer evaluation, training, and continuous improvement
 - 6) Protects all involved
 - 7) Include explanations on recording with subject acknowledging

IV. LEGAL CONTACTS WITH THE PUBLIC²⁷

(50 Min)

A. LEARNING ACTIVITY: GROUP CASE STUDY DISCUSSION: Vehicle Stops Tactics and Law

Purpose: Identify the legal justification for each stop

Procedures: Small group discussion

1. Distribute the case studies to each of the groups
2. Have the groups discuss the issues and concerns for the tactics and legal justification for each of the case studies
3. Have the students present their findings to the class.

B. Case Studies

Case Study 1: Patrol officers are assigned to a two-officer unit working uniform patrol. As officers drive back to the station they notice the motorist next to them giving a hard stare, in their direction. The officers fall back behind the motorist and activate their forward red light. Passenger officer approaches the vehicle using proper tactics. He signals his partner after the vehicle has been cleared. The contact officer makes a safe approach and states to the motorist. “The reason I stopped you is to find out if you have a driver’s license. Do you have a driver’s license and is it valid?” The motorist hands the officer his driver’s license and the officer returns to his patrol vehicle. A driver license check is made to confirm the validation of the license. The driving officer returns to the motorist

²⁶ Los Angeles Police Department Manual 3/579.13 and 3/579.15, Deployment of Body Worn Video and Digital In-Car Video system

²⁷ Los Angeles Police Department Training Bulletin, Contacts with the Public Legal Consideration 3/2021, volume L

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and hands back the driver's license stating, "You have an outstanding driving record, keep it that way. Have a nice evening."

- b. ASK: Did the officers have legal justification for stopping the motorist?
- c. ASK: If not, why?
- d. ASK: If the motorist's license status had been suspended or revoked and an arrest had been made, would the arrest be a lawful arrest? If not, why?

DEBRIEF:

- 1) The officer stopped the motorist based only on being stared at
 - a) This is not a legal justification for the stop
- 2) The traffic stop was not a legal detention
 - a) Any actions taken by the officer would be unlawful
- 3) Additional points regarding this situation:
 - a) Regardless of the legality of the stop, what would have been more effective way to convey the message of being a "good driver"
 - b) Solicit responses from students that reinforce professional communication that is not sarcastic
 - c) Why might the motorist believe that race was the reason behind the stop?
 - (1) The lack of any other reason in the motorist opinion to conduct the stop
 - (2) Could this be viewed as biased policing?
 - (a) Yes
 - (b) Officers looked at the driver, then pulled him over after viewing his face
 - d) How could a third party (supervisor) assist with resolving this situation?
 - (1) If motorist appears or voices dissatisfaction a Supervisor can document the interaction
 - (2) Supervisor might be able to resolve right
 - (a) Different perspective
 - (b) Another Authority figure
 - (3) Supervisor may be impartial
 - (a) Listen to motorist concerns
 - (b) Can Clarify Understanding
 - (4) If the vehicle pullover escalates to a complaint it is better to have a Supervisor to conduct the investigation

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- (a) Complainant's statement without delay
- (b) Witnesses
- (c) Fresh statement untainted
- (5) Allows Supervisor to get the facts accurately
- (6) Do not force someone to wait for a Supervisor
 - (a) Provide the Supervisor's (Watch Commander) contact information
 - (b) Do not escalate the situation into an illegal detention

Case Study 2: Patrol officers are assigned to a two-officer unit working uniform patrol. The officers are stopped at a stop light westbound Ventura Blvd at Reseda Blvd. As the light turns green for west and eastbound traffic a motorist traveling northbound Reseda Blvd. fails to stop for the red phase, approximately twenty feet late behind the limit line, a violation of 21453 a V.C. The driving officer observed the violation while his partner continues to write in his D.F.A.R. Driving officer negotiates a right turn and activates the forward red light behind the violator. The traffic violator immediately pulls to the curb and stops. As the driving officer stops directly behind the violator, his partner throws his log onto the dashboard. Passenger officer ask, "What do you have partner?" Just as the driving officer is half way to the violator's door. The driving officer yells back, "Just a red-light violation." While the driving officer is talking to the violator the passenger officer advises radio communication that they are on a traffic stop, "somewhere on Reseda Blvd". The passenger officer (cover officer) exits the patrol vehicle and takes a position in the violator's blind spot. The driving officer returns to the patrol vehicle and writes the citation for the red-light violation (21453 a. V.C.). The driving officer returns to the violator and advises him of the court date. The violator signs the citation and the both officers return to their patrol vehicle at the same time to continue patrol.

- a. ASK: Was this the appropriate method of conducting a traffic stop?
- b. ASK: If not, Why?

DEBRIEF:

1. Driver Officer failed to notify his partner of the violation
2. Driver officer did not allow the cover officer
 - a. To make his approach and clear the violator's vehicle
 - b. Or take cover of position of advantage
3. Cover Officer failed to assume to a position of cover while his partner returned to the patrol vehicle
4. Cover officer took his time getting out of the patrol vehicle and gave partial information for the location of the vehicle stop
5. Cover officer took a position to the violator's blind spot and made no attempt to clear the vehicle even through his partner had already contacted the violator

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6. Officers must communicate how they will conduct a vehicle stop before they make the vehicle stop to ensure that Officer safety is not compromised and these issues do not arise in the future

Case Study 3: Patrol officers are assigned to a two-officer unit working uniform patrol. The passenger officer observes a driver of a vehicle two car lengths ahead wearing a headphone set, covering both ears (Violation of 27400 V.C.) The passenger officers advise his partner, who now sees the same violation and they decide to make a traffic stop. The driving officer (contact officer) knows of a location approximately one half a mile ahead to stop the violator which will be legal and safe from any surrounding threats. The passenger officer runs the license plate for W/W and DMV. The license plate returns a code-6 Charles (wanted felony vehicle). Driver activates the forward red light and the suspect pulls to the curb. Driving officer parks behind the suspect's vehicle, off-setting the same. Both officers take a position of cover behind their doors and order the suspect out of the vehicle at gunpoint. They prone the suspect in the street next to his vehicle and take him into custody. Officers request tow and impound the vehicle and take the suspect to the station where he is booked on a felony warrant for burglary.

- a. Did the officer conduct a proper and safe high risk vehicle stop?
- b. If not, Why?

DEBRIEF :

1. No, the high-risk vehicle stop was not conducted correctly
2. Back up should have been requested as soon as the license plate returned a Code 6 Charles
3. Continue to watch the suspect until back up arrives
- 4) Having the additional back up unit makes it safer for the primary unit to prone out the suspect
- 5) Officers made no effort to clear the vehicle for additional suspects
- 6) Once the stop was made the primary unit should have parked in a tactically sound position behind the suspect's vehicle allowing the passenger officer to have visual on the suspect's passenger door
- 7) Secondary unit would deploy to the left or right of the primary unit and at a 45-degree angle
- 8) Primary unit directs the suspects out of the vehicle and calls a bluff to any possible suspects hiding
- 9) Primary unit clears the suspect's vehicle, inside officer's responsibility is the trunk and rear seat
- 10) The outside officer's responsibility is the front seat area
- 11) Once the vehicle is cleared both primary unit officers approach the suspect, handcuff and search

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- 12) If Officers had conducted an investigation and determine it is the wrong suspect, how should officers manage the mistaken identity?
- a) De-escalate the situation by using communication skills²⁸
 - (1) Officer should explain their actions/policy
(PSP1 h)
 - (2) Explain the deviation of professional language used and what it means
 - (3) Apologize for the inconvenience
 - (4) Clearly articulate the legal justification for the vehicle stop
 - b) Reinforce the legal justification and the Los Angeles Police Department policies

C. ENCOUNTERS WITH THE PUBLIC: Officers will often need to initiate various contacts with pedestrians observed on their beat. Officers must have knowledge and understanding of the different types of encounters to conduct a lawful and safe pedestrian contact **(117e)**

1. Consensual encounters²⁹

- a. Subject(s) are free not to cooperate with the police and may even leave if they choose
- b. Officers must not restrain or exert any authority over the subject(s)
- c. Officers may approach individuals in a public area, identify themselves as the police, and in a non-coercive manner, ask a few questions without converting the encounter into a situation that has Fourth Amendment significance
- d. The subject(s) must *reasonably* feel that they are free to leave

2. Legal detentions³⁰

- a. Officer has a reasonable suspicion, requiring specific and articulable facts
 - 1) Unusual activity has occurred, is occurring, or is about to occur
 - 2) The unusual activity is related to a crime
 - 3) The person detained is associated with the unusual activity
- 1) The suspect(s) is not free to leave and may be arrested for 148 PC if he or she attempts to do so
- b. A detention may be extended as long as the officer is making progress with the investigation the detention remains reasonable

²⁸ Los Angeles Police Department Use of Force -Tactics Directive No. 16, Tactical De-escalation Techniques

²⁹ Los Angeles Police Department Training Bulletin, Contacts with the Public Legal Consideration, volume L

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- c. A thorough search for weapons should be conducted of the suspect(s) at the onset of the officer's investigation if justified

3. Justification for Frisk/Pat Down Search³¹

- a. A pat search of a detainee is permitted if there is reason to believe the detainee was armed or dangerous
 - 1) The following circumstances are particularly relevant:
 - 2) Nature of crime under investigation
 - 3) Detainee on parole or probation
 - 4) Weapons and gang problems
 - 5) Night time and darkness
 - 6) Bulge under clothing
 - 7) Suspicious movements
 - 8) Hostility
 - 9) Nervousness
 - 10) Officers outnumbered
 - 11) Information from informant

b. Consent

c. Scope of the search³²

- 1. An officer who is conducting a pat search for weapons may remove a concealed object from under the detainee's clothing Under the following circumstances
 - a. It is believed that the item is a conventional weapon that could be used as an instrument of assault OR
 - b. The object felt hard to the touch and the pat down search did not eliminate the possibility it was a weapon
 - c. Soft object may be removed only if the officer can cite specific facts which reasonably indicated the object was an atypical weapon
 - d. There is probable cause to believe the object was contraband, such as illegal drugs
 - e. This determination may be based on how the object felt during the pat down search and any other relevant circumstances

4. Arrest

- a. Probable cause is the standard for a lawful arrest
 - 1) Probable cause is a set of facts that would cause an officer (or private person) of similar training or experience as the arresting officer to form an "honest and strong" opinion that the person to be arrested has committed a crime
- b. A lawful arrest requires only a Fair Probability that the person committed a crime

³¹ : LD 16 POST workbook Search and Seizure, V-4.8; Arrest and Control Manual
Los Angeles Police Department Training Bulletin, Contacts with the Public Legal Consideration, volume L

³²; LD 16 POST workbook Search and Seizure, V-4.7

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- c. Both an Arrest and a Detention should be evaluated based upon the totality of the circumstance
- 5. Vehicle Search Based on Incident to Arrest³³
 - a. When a person is arrested, officer may only search the passenger compartment of a vehicle” incident to arrest” if;
 - 1) The officer has reasonable belief that evidence relevant to the offense of arrest may be found in the vehicle
 - 2) Or the arrest not yet secured and is within reaching distance of the vehicle at the time of the search
 - 3) Inventory search when a vehicle is impounded to ensure no weapons or contraband are present
 - 4) 4th Amendment:
- 6. Point out that the 4th Amendment provides that persons, houses, and effects (belongings) shall be secure from unreasonable searches and seizures, and requires probable cause for the issuance of warrants.³⁴
 - 1) Does not give people an absolute right to privacy
 - 2) Limits only those searches that are considered unreasonable by the courts
 - 3) Is not violated unless a person’s legitimate expectation of privacy is infringed upon
- 7. Self Assessment tool:
 - a. S.P.I.C.E. is the acronym used to assist officers in recalling how a person or place may be lawfully searched and items seized, within the scope of the 4th Amendment
 - b. Every search situation will fall into one of these basic categories except for parole/probation and pat-down frisk searches
 - c. There is no murder scene or crime scene exception to a warrantless search
 - d. Do I have a ...
 - 1) S-Search Warrant
 - a. If I don’t have a search warrant, do I have...?
 - 2) P-Probable cause-vehicle only
 - 3) I-Incident to arrest
 - 4) C-Consent
 - 5) E-Exigent Circumstances
 - e. Police Action based on Legal Justification³⁵
 - 1) The requirement that legal justification be present imposes a limitation on an officer’s action
 - 2) Officers must act reasonably within the limits of their authority
 - 3) This ensures that both the individual and the public are protected

³³ Los Angeles Police Department, Legal Bulletin Volume 36, Issue 1, Risk Management Division, One minute Brief, 2019-26, LAPD Legal Bulletin volume41, issue 1, 12/2019

³⁴ POST Basic Course Workbook LD 15, Laws of Arrest V-4.10

³⁵ Los Angeles Police Department Manual 1/508, Police action based on legal justification

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8. Department policy reinforces the 4th and 14th Amendments
9. Respect for Constitutional Rights³⁶
 - a. No one can be deprived of their constitutional rights even if suspected of committing a crime
 - b. Officers may act within the scope of their authority without depriving a person of their civil liberties
 - c. When an officer exceeds his authority by unreasonable conduct they violate the sanctity of the law which they are sworn to uphold

10. Policy on Prohibiting Biased Policing³⁷
 - a. Discriminatory conduct on the basis of race, color, ethnicity, national origin, gender, sexual orientation, or disability is prohibited in the conduct of law enforcement activities
 - b. Department personnel may not use race, color, ethnicity, or national origin (to any extent or degree) in conducting stops or detentions or activities following stops or detentions except when it is part of description from a crime report, criminal profile, etc....
 - c. Stops or detentions must be unbiased and based on reasonable suspicion or probable cause
 - d. Must be engaged in suspect-specific investigation to identify a person or group, where the person or people sought have been described in part by race, color, ethnicity, or national origin
 - e. Race, color, ethnicity, or national origin may not be given undue weight
 - 1) Failure to comply with this policy is a violation of an individual's constitutional rights
 - 2) It is counterproductive to professional law enforcement and amounts to biased policing
 - 3) Any employee who becomes aware of biased policing or any other violation of this policy shall report it in accordance with established procedures, to a supervisor or directly to Professional Standards Bureau

11. ASK: Is it possible for a stop to be legal under the 4th Amendment, but illegal under the 14th?
 - f. Yes
 - g. To meet the requirements of the 4th Amendment, there must be articulable facts that point to the reasonable suspicion of a specific individual. To meet the requirements of the 14th Amendment, those articulable facts must not be based solely on race, unless race involved in a crime
 - h. Example- Officer initiates a consensual encounter based solely on race, obtain consent to search personal property and seize illegal substance

³⁶ Los Angeles Police Department Manual 1/240.05, Respect for Constitutional Rights

³⁷ Los Angeles Police Department Manual 1/345, Policy prohibiting Biased Policing

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12. ASK: What additional information would have to be developed or ascertained to elevate the incident to an arrest
 - a. To be legal, an arrest must be based on probable cause
 - b. A set of facts that would cause an ordinary person to believe that the person arrested is guilty of a crime
 - c. An officer must possess enough factual knowledge or other reliable information so that it is reasonable to believe that there is a fair probability the person committed the crime³⁸
13. Police Action based on Legal Justification
 - a. What constitutes probable cause varies with each situation
 - b. Different facts may justify whether an officer take action or no action at all
14. WHAT IS PROCEDURAL JUSTICE
Definition:
 - a) Fairness in the process
 - b) Process more important than the outcome
 - c) Trustworthiness
 - d) Respect
 - e) Voice
 - f) Neutrality
 - g) Active Listening
 - h) Explanation of the contact
15. WHAT IS 69/148 PC?
 - a. 69(a)PC Every person who attempts by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon the officer by law, or who knowingly resist, using force or violence, the officer, in the performance of his or her duty
 - b. 148(a)PC Every person who willfully resist, delays, or obstructs any public officer, peace officer, or any emergency technician, in the discharge or attempt to discharge any duty of his or her office or employment

V. FIREARM OVERVIEW

(20 min)

- A. Safety Overview
 1. Safety plan
 - a. Safety guidelines apply to all training given by the Department guidelines insure that staff and participants are aware of potential hazardous situations and how to avoid it
 - b. Distribute and discuss safety guideline handout
 2. Anyone participating in the training, whether student, observer, or instructor has the authority to “STOP” the exercise if they observe an unsafe act or condition that may cause imminent injury or death and/or damage to the facilities
 3. Protective eye and ear protection

³⁸ Los Angeles Police Department Training Bulletin, Contacts with the Public Legal Consideration 3/2021, volume L

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4. Students shall immediately notify an instructor or the training staff of any injury sustained during practical application
5. Students shall immediately notify an instructor or the training staff of any injury sustained during training, and use the following steps in the event of a serious injury
 - a. Render first aid and obtain appropriate medical assistance
 - b. Notify the Fire Department rescue ambulance and give specific direction to the training location
 - c. In case of a serious injury, all Injury identification and Prevention Program IIPP notification and protocols shall be followed
 - d. At each training location, there is a notebook located in the training unit's office also containing the emergency worker compensation forms and reports are completed in a timely manner
 - e. Transport to the local hospital for a minor injury
 - f. Follow Los Angeles Police Department Safety Protocols

B. Group Discussion: The Four Basic Firearm Safety Rules

Purpose: To review the Four Basic Safety Rules by causing the student to think and consider their importance and application on the range as well as in the field

Procedures: Large Group Discussion

1. Conduct an open discussion that will cause the student to review and think about the importance of the Four Basic Firearm Safety Rules
 - a. All Guns are Always Loaded
 - b. Never allow the muzzle to cover anything you are not willing to shoot
 - c. Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot
 - d. Be sure of your target
2. Point out that these rules apply to tactical situations and exercise such as unintentionally covering of an officer, building searches and car stops
3. Range safety rules apply at home and in the field as well

VI. PRACTICAL APPLICATION-VEHICLE STOPS

(1hour,30 min.)

A. LEARNING ACTIVITY: Vehicle Stops – Demonstration

Procedures: Small group activity

1. Safety Officer wearing a clearly marked vest will monitor the scenario area (only person allowed to be armed if applicable)
2. Safety Check: NO LIVE WEAPONS, OC or ELECTRONIC WEAPONS
 - a. Safety Officer will conduct an Inspection of the Scenario site to ensure there are no live weapons
 - b. Signs will be clearly posted that Scenario Training is being conducted and no one except those training instructor and students involved are allowed in the scenario training area
3. Demonstration-Traffic Enforcement Pullover

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- a. Two instructors will act as the driver and passenger officer in a marked police vehicle and conduct a “basic” Traffic Enforcement Pullover
 - b. Instructors will be armed with inert handguns
 - c. One instructor will act as a violator seated in an unmarked vehicle
 - d. Instructors will demonstrate the “basic” Traffic Enforcement Pullover with stationary vehicles
4. Demonstration-High Risk Pullovers
- a. Two instructors will act as the driver and passenger officer in a marked police vehicle and conduct a “basic” High Risk Pullover
 - b. Instructors will be armed with inert handguns
 - c. One instructor will act as a suspect seated in an unmarked vehicle
 - d. Any additional instructors can assist by being the secondary police unit in a marked police vehicle
 - e. Additional instructors involved in the scenario will be armed with inert handguns
 - f. Instructors will demonstrate the “basic” High Risk Pullover with stationary vehicles

B. RACTICAL APPLICATION: Vehicle Stop – Drills

Procedures: Small group activity

1. Equipment (all equipment should be inspected before training and must be in working-good condition)
 - a. Vehicles
 - 1) Police Vehicles
 - 2) Un-marked or plain vehicles
 - 3) High profile vehicles or SUVs
 - b. Inert weapons
 - 1) Orange handled hand gun
 - 2) Inert OC
 - 3) Inert electronic weapon facsimile
 - c. Radios
2. Review of safety guidelines
3. Safety Officer wearing a clearly marked Orange or Yellow Vest will monitor the scenario area
4. Safety Check: NO LIVE WEAPONS, OC or ELECTRONIC WEAPONS
 - a. Instructors will conduct a safety check to ensure students do not have
 - 1) Live weapons
 - 2) Live ammo
 - b. Safety Officer will conduct an Inspection of the Scenario site to ensure there are no live weapons
 - c. Signs will be clearly posted that Scenario Training is being conducted and no one except those training instructor and students involved are allowed in the scenario training area
5. Generally, Students will work in pairs
6. Provide the students the opportunity to apply the knowledge, skills and training they have received in the area of vehicle stops in a controlled setting

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7. The drills should build in difficulty throughout the training block
8. This is meant as a low-key, coach the students through their mistakes and demonstrate appropriate behavior when necessary
9. This should be a positive learning experience for all involved
10. As an instructor, your goal is to determine from the students input what worked, what didn't and if they are able to process what they have learned and be able to apply in a real time setting
11. This block is more SHOW than tell limit the lecturing and show them what to do.
12. Pair students up as partner officers and conduct different types of vehicle stops
13. Students should have the opportunity to act as both driver and passenger officer during the scenarios.
14. Listed below are basic scenarios and enrichment scenarios
15. Once the instructor is confident that the students can successfully complete the basic scenario, continue the drills using the enrichment scenarios.
16. Basic Scenario Drill Sequence begins
 - a. Basic Scenario Traffic Enforcement Pullover
 - 1) Two students acting as the driver and passenger officer in a marked police vehicle
 - 2) Both students shall be armed with inert handguns
 - 3) An additional student can act as the violator seated in an unmarked vehicle
 - 4) Allows the student the perspective of the violator as officers tactically stop and approach a vehicle
 - 5) The violator will cooperate throughout the pullover
 - 6) Students should use tactics reviewed during the Vehicle Pullover lecture and as demonstrated during the Instructor Demonstration
 - 7) All vehicles involved generally will remain stationary
 - 8) No other weapons other than inert handguns shall be used during this scenario
 - b. Scenario Investigative Vehicle Stop
 - 1) Two students acting as the driver and passenger officer in a marked police vehicle
 - 2) Both students shall be armed with inert handguns
 - 3) Two students will sit in an unmarked vehicle posing as the suspects
 - 4) A vehicle check on suspect's vehicle reveals a misdemeanor theft warrant for the driver suspect
 - 5) Both suspects are unarmed and cooperative with officers
 - 6) Student should use tactics reviewed during Vehicle Pullover lecture
 - 7) All vehicles will generally remain stationary throughout scenario

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- 8) No other weapons other than inert handguns shall be used during this scenario
- c. Scenario High Risk Vehicle Stop
- 1) Two students acting as the primary driver and passenger officer in a marked police vehicle
 - 2) Two students acting as the secondary driver and passenger officer in a marked police vehicle
 - 3) All students involved in the pullover will be armed with inert handguns
 - 4) An additional student can act as the suspect seated in an unmarked vehicle
 - 5) This allows the student the perspective of the suspect as officers tactically stop the vehicle and give orders to the suspect
 - 6) The suspect will cooperate throughout the pullover
 - 7) Students should use tactics taught during the High Risk Vehicle Stop lecture and as demonstrated during the Instructor Demonstration
 - 8) All vehicles involved will remain stationary
 - 9) No other weapons other than the inert handguns shall be used during the basic scenario
- d. Scenario for High Risk Van Stop
- 1) Two students acting as the primary driver and passenger officer in a marked police vehicle
 - 2) Two students acting as the secondary driver and passenger officer in a marked police vehicle
 - 3) The above students shall be armed with inert handguns
 - 4) Two additional students can pose as suspects seated in an unmarked van
 - 5) This allows the student the perspective as a suspect as officers tactically stop and handle the van pullover
 - 6) The suspects will cooperate throughout the pullover
 - 7) Students should use tactics taught during the Vehicle Pullover lecture
 - 8) All vehicles involved will remain stationary
 - 9) No other weapons other than inert handguns shall be used during this scenario
- e. **DEBRIEF:** Conduct a facilitated discussion during the debrief of the basic scenarios ensure the following points are addressed:
- 1) Notify CD and follow-up until back up and help is on scene
 - 2) Articulate the proper position, distance and lighting for a vehicle stop
 - 3) Watch for movements inside the suspect's vehicle
 - 4) Take a proper position of cover/concealment
 - 5) Maintain firearm at the ready

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- 6) Use clear, audible, and direct commands
- 7) Direct suspect(s) out of the target vehicle and into a position of disadvantage
- 8) Make a tactically sound approach to suspect's vehicle keeping their weapon at their area of responsibility³⁹
- 9) Visually search the vehicle for additional suspects and weapons in clear view
- 10) Correctly approach prone suspects to take suspects into custody

- f. In addition to debriefing the tactics ensure that the students can articulate why they chose to conduct each of the stops and the legality of each stops
(117e)

C. LEARNING ACTIVITY: Scenarios

PURPOSE: To Reinforce Officer Safety during a Vehicle Stop

PROCEDURES: Small Group Activity

1. Equipment (all equipment should be inspected before training and must be in working-good condition)
 - a. Vehicles
 - 1) Police Vehicles
 - 2) Non-police vehicles
 - 3) High profile vehicles or SUVs
 - b. Inert weapons
 - 1) Orange handled hand gun
 - 2) Inert OC
 - 3) Inert electronic weapon facsimile
 - c. Radios
2. Review of safety guidelines
3. Safety Officer wearing a clearly marked Orange or Yellow Vest (or Specifically marked) will monitor the scenario area
4. Safety Check: NO LIVE WEAPONS, OC, or ELECTRONIC WEAPONS
 - a. Instructors will conduct a safety check to ensure students do not have
 - 1) Live weapons
 - 2) Live ammo
 - b. Safety Officer will conduct an Inspection of the Scenario site to ensure no there are no live weapons
 - c. Signs will be clearly posted that Scenario Training is being conducted and no one except those training instructor and students involved are allowed in the scenario training area
 - d. Inert orange handle weapons will be distributed
 - e. Officers shall adhere to current safety Protocol

³⁹ Los Angeles Police Department Manual, Policy on the Use of Force 1/556.10,

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5. Each student has had the opportunity to practice the Traffic Enforcement Pullover as both the driver and passenger officer.
6. Scenario Variations
 - a. An inert firearm may be placed on the front seat of suspect's vehicle in plain view
 - b. An inert firearm may be concealed on the suspect
 - c. Weapon located in vehicle
 - d. Irate violator exits vehicle upon pullover
 - e. Violator exits vehicle while driver officer writes citation
 - f. Suspect laying down in rear seat
 - g. Violator's wallet in under front seat
 - h. Person under the influence of unknown substance in a vehicle
 - i. Traffic Enforcement Pullover ambush
 - j. Traffic Enforcement Pullover with pedestrian traffic
7. Scenario #1: Investigative vehicle stop:
 - a. Traffic Pullover of vehicle with tinted windows
 - b. Vandalism suspects/Gang members in vehicle
8. Scenario #2: High risk vehicle stop:
 - a. Multiple suspects in vehicle
 - b. Radio call of "man causing a disturbance in a vehicle"
 - c. Suspect hidden in trunk.
 - d. Driver suspect with handgun in waistband
9. Scenario #3: High risk van stop:
 - a. Multiple suspects in van
 - b. Burglary suspect in stationary vehicle Multiple suspects exit/approach officers
10. **Debrief:** Conduct a facilitated discussion during the debrief of the enrichment scenarios ensure the following points are addressed:
 - 1) Notify communications and follow until assistance/backup is on scene
 - 2) Demonstrate the ability to stop the vehicle using proper position, distance and lighting
 - 3) Watch for movements inside the suspect's vehicle
 - 4) Take a proper position of cover/concealment
 - 5) Maintain firearm at the ready.
 - 6) Use clear, audible, and direct commands
 - 7) Direct suspect(s) out of the target vehicle and into a position of disadvantage
 - 8) Make a tactically sound approach to suspect's vehicle keeping their weapon at their area of responsibility⁴⁰
 - 9) Visually search the vehicle for additional suspects and weapons in clear view
 - 10) Correctly approach prone suspects and take suspects into custody

⁴⁰ Los Angeles Police Department Manual 2021, 1st Quarter, Policy on the Use of Force 1/556.10,

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11) In addition to debriefing the tactics ensure that the students can articulate why they chose to conduct each of the stops and the legality of each stops (117e)

ASK: The following questions as a debrief of the scenarios

13) What tactical concerns should the officers have as they respond to?

14) Where does the situation fall within the use of force standard?

15) What considerations are there to be in compliance with LAPD policy and legal requirements?

16) What are the moral obligations and ethical dilemmas in this situation?

VI. Closing

(10 Min)

A. Reinforce the key learning points

1. It is key to understand when adjustments to tactics and officer safety skills must occur based on the type of vehicle stops conducting
2. Effective communications and good tactics are the keys to conducting vehicle pullovers successfully
3. Identify and incorporate tactical considerations before, during and after all types of vehicle stops
4. Officers must possess a clear understanding of the legal requirement for vehicle stops and must be able to articulate them.
5. Officers must be able to articulate justification for police actions based on the U.S. Constitution 4th and 14th Amendments.
6. Officers must provide fair and equitable policing for all members of the community
7. The Department's guiding value when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communication, and available resources in an effort to de-escalate the situation, whenever it is safe and reasonable to do so.
8. Recognize that members of Law enforcement derive their authority from the public and therefore must be ever mindful that are only guardians, but also servants to the public.

Note: Deviation from these basic concepts sometimes occurs due to the fluid and rapidly evolving nature of law enforcement encounters and the environment in which they occur. Deviations may range from minor, typically procedural, or technical, to substantial deviations from Department tactical training. Any deviations are to be explained by the involved officer(s), and justification for substantial deviation from Department tactical training shall be articulated and must meet the objectively reasonable standard of the Department's Use of Force Policy.