

LOS ANGELES POLICE DEPARTMENT
FORCE OPTION SIMULATOR
1850-21065
Expanded Course Outline

Instructional Goal: To provide students a review of Department Policy and Procedures related to Use of Force and the different force options available to them. Provide feedback to and enhancement of their articulation related to the force option chosen.

Performance Objectives:

- Demonstrate knowledge of current laws, policy, legal issues, moral and ethical considerations concerning the use of force
- Demonstrate the application of force during scenario-based training
- Demonstrate de-escalation efforts.
- Demonstrate reverence for human life

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

This course provides updated legislative content of Penal Code Section 835a

I. OPENING

(10 min)

- A. Introduction
 - 1. Instructors
 - 2. Students
 - 3.
- B. POST roster
- C. Review Schedule of Training
 - 1. Safety
 - 2. Credit Received
- D. Identify Relevant Source Documents
- E. Safety Brief

II. USE OF FORCE POLICY^{1 2}

(PSP V-a, b, c, d, e, f, h, g, h)

(50 min)

- A. Use of Force by Law Enforcement Penal Code 835(a)
 - 1. UOF by officers is a matter of critical importance and concern
 - 2. Some individuals will not comply with the law unless compelled to do so
 - 3. Law enforcement derives authority from the public
 - 4. Every attempt should be made to de-escalate situations
 - 5. Criteria
- B. Reverence for Human Life
 - 1. The guiding principle for our Use of Force (UOF) policy
 - 2. The Los Angeles Police Department is guided by the principle of Reverence for Human Life in all investigative, enforcement, and other contacts between officers and members of the public
- C. Fair and Unbiased Policing
 - 1. Officers shall carry out their duties, including UOF, fairly and without bias

¹ California Penal Code Section 835a

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

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2. Discriminatory conduct of any kind is prohibited department policy, state and federal law
 3. Failure to follow through on this principle has negative effects
 4. Procedural justice
- D. Inappropriate uses of force
1. Violates constitutional policing principles
 2. Degrades the confidence of the community we serve
 3. Exposes the Department and fellow Officers to legal, physical, and personal hazards
- E. Objective Reasonable Standard³
1. Factors used to determine reasonableness
 2. Evaluation standard(s)
 3. No 20/20 hindsight
- F. Appropriate Level of Force / Proportionality
1. Actions should not be more severe than is reasonably necessary
 2. Only use levels of force that are reasonably believed to be proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance
 3. The guiding value when using force shall be reverence for human life.
 4. De-Escalation
- G. Requirement to Report / Intercede in Excessive Force Situations
1. Shall report perceptions of excessive force
 2. Shall intercede when present and observing another officer using force that is clearly beyond that which is reasonably necessary
 3. Observing officers must consider that other officers may have additional information regarding the threat posed by a subject
- H. Drawing or Exhibiting Firearms
1. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm.
 2. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm
 3. Any intentional pointing of a firearm at a person by an officer shall be reported
 4. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm.
- I. Use of deadly force by law enforcement officers:
1. It is the policy of this Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:
 - a. To Defend against and imminent threat of death of serious bodily injury to the officer or another person (or)
 - b. To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.
 2. Define serious bodily injury
 3. Reverence for Human life

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

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- J. Determining if Deadly Force Was Necessary⁴
 - 1. Polices and legal issues
 - 2. Necessity of using deadly force
 - 3. In determining whether deadly force is necessary, officers shall evaluate each situation considering the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent reasonable under the circumstances.
- K. Rendering Aid / Reverence for Human Life
 - 1. After any use of force officers shall immediately request a rescue ambulance for any injured person
 - 2. Officers shall promptly provide basic and emergency medical assistance to all members of the community based on the extent of their training/experience in First-Aid/CPR/AED, the level of available equipment and the totality of the tactical situation
- L. Warning Shots
 - 1. Reverence for Human Life
 - 2. "To prevent taking a life, by not taking a life"
 - 3. Exceptional circumstances
 - 4. Locations/direction of fire
 - 5. Minimize the risk of injury to innocent persons, ricochet dangers and property damage
- M. Shooting At / From A Moving Vehicle
 - 1. Immediate threat of death or SBI to officers or others by means other than the vehicle
 - 2. Shall move out of vehicle's path instead of discharging a firearm
 - 3. Likelihood of a bullet stopping a moving vehicle
 - 4. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with the department's deadly force policy
 - 5. Accuracy when shooting from a moving vehicle
- N. Learning Activity: Facilitated Tabletop Discussion **(117e)**

Procedures: Large group Activity:

 - 1. Review Reverence for Human Life
 - 2. Ask: Is the LAPD Shooting Policy more restrictive than the Penal Code?
 - 3. Review and discuss history and legal precedent(s)
 - 4. Review references
 - a. Objective reasonableness^{5 6}
 - b. Tactical De-escalation⁷
 - c. Determining if Deadly Force is Necessary⁸
 - 5. Command and Control⁹
 - 6. Consequences of using force

⁴ California Penal Code Section 835a

⁵ Department Manual Section 1/556.10, Policy on the Use of Force

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

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

⁸ California Penal Code Section 835a

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

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7. Discuss: Should an officer's decision to draw or exhibit a firearm be based on the tactical situation and the officer's reasonable belief that it may be necessary to use the firearm?¹⁰
 8. Discuss: Is an officer justified to use deadly force to protect property interests?
 9. Discuss: May an officer fire at a violent fleeing felon even if the officer has doubts that the suspect is in fact the person wanted for life endangering crime(s)?
 10. Discuss: Is justification for the use of deadly force limited to what reasonably appears to be the facts known or perceived by an officer at the time the officer decides to shoot?
 - a. Policy¹¹
 - b. Objective Reasonableness¹²
 - c. Necessity of Deadly Force¹³
 - d. Assessment¹⁴
 11. Discuss: Could an officer use deadly force to effect the arrest of a person who has committed a misdemeanor, if there are no other means to apprehend the suspect?
 12. Discuss: Is firing at a moving vehicle to disable it generally prohibited?
 13. Discuss: Could Officers sometimes use deadly force to protect themselves from assaults that are obviously unlikely to have serious results?
 14. Discuss: Are there circumstances that would allow an officer to shoot a juvenile?
 15. Discuss: In General, can warning shots be fired?¹⁵
 16. Discuss: When should Officers use deadly force?
 17. Discuss: What is the Department's guiding principle when using force?
 18. Summarize training regarding stopping the threat
 19. Immediate Defense of Life (IDOL)
 20. Background, Age, Last resort, Knowledge, Seriousness of the Crime (BALKS)
- O. Other Deadly Force Issues
1. Suicidal Subjects
 2. Furtive movement(s)
 3. Penal Code 835(a) and tactical redeployment^{16 17}
 4. Cover Fire; definition and application
- P. Group Discussion: Use of Force Standards **(117e)**
1. Verbal Warnings
 2. Suspect's actions and force options available

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

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

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

¹³ California Penal Code Section 835a

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

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

¹⁶ California Penal Code Section 835a

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

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3. Reverence for human life is the guiding principle when developing tactics and strategies in pursuit of our motto: "To Protect and to Serve"
 4. Discuss unsafe to approach
 5. Size and stature
 6. Vulnerable Populations
 7. What is known at the time of the use of force
 8. Criteria for use of applicable weapon systems
 9. Minimum Use of Force¹⁸
 10. Available cover and type of weapon as factors in determining how close you can get to a suspect.
 11. Tactical De-Escalation techniques and their application
- Q. Less Lethal Force Options and Intermediate Force
1. Case law
 2. Department policy
- R. Analyzing case law; key legal factors
1. Offense- seriousness of the crime (violent/ non-violent)
 2. Flight- fled, fleeing or likely to flee
 3. Resistance- active resistance/ passive resistance
 4. Threat- seriousness of the physical threat and immediacy
- S. Use of Less-Lethal Force
1. Definitions
 2. Occasions for use
- T. Less-Lethal Force articulation
1. Specific physical threat or
 2. The immediacy of that threat
 3. Describe the suspect's actions and behaviors in detail
- U. Verbal Warning
1. Given when feasible
 2. Case law
 3. Commands
 4. Stating possible consequences of failure to comply with lawful commands
 5. Documentation of verbal warnings
 6. Circumstances when warnings are not feasible
- V. Current Less Lethal Tools
1. OC Spray¹⁹
 2. Electronic Control Device (Taser)²⁰
 3. Beanbag Shotgun²¹
 4. 40mm Less Lethal Launcher²²
 5. Impact Device^{23 24}
- W. Reinforce the key learning points related to the Use of Deadly Force

¹⁸ Department Manual Section 1/115, Management Principles

¹⁹ Use of Force-Tactics Directive, Oleoresin Capsicum

²⁰ Use of Force-Tactics Directive, Electronic Control Device

²¹ Use of Force-Tactics Directive, Beanbag Shotgun

²² Use of Force-Tactics Directive, 40mm Less Lethal Launcher

²³ Use of Force-Tactics Directive, Strikes and Kicks

²⁴ Use of Force-Tactics Directive, Baton

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1. Reverence for Human Life
 2. All alternative force options have been exhausted or are unfeasible
 3. Necessity
 4. Drawing or exhibiting firearms
 5. Articulation of the force option(s) that were used
 6. Vehicle considerations
 7. Warning shots
 8. Rendering aid
- X. Closing
1. Review of day one
 2. Opportunity for questions

III. FIREARM OVERVIEW

(117e) (10 Mins)

- A. The Four Basic Firearm Safety Rules and Sequence
1. All guns are always loaded
 2. Never allow the muzzle to cover anything you are not willing to shoot
 3. Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot
 4. Be sure of your target
 - a. Review the Sequence of Marksmanship
 - 1) Grip:
 - 2) Trigger
 - 3) Finger placement
 - 4) Sight picture²⁵
 - 5) It is imperative that one knows the weapon's workings and how to clear malfunctions

IV. FORCE OPTION SIMULATOR ROTATIONS (PSP V-a, b, c, d, e, f, g, h) (160 min)

- A. Scenarios
1. Officers will participate in one scenario in pairs. Class will discuss the simulations. Discussing the following topics.
 - a. Statutory Law
 - b. Case Law
 - c. Agency Policies
 - d. Reverence for Human Life
 - e. De-Escalation

²⁵ Los Angeles Police Department, 2016 Handgun Instructor Training School Manual.

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- f. Duty to Intercede
 - g. Rendering First-Aid
 - h. Class Exercises/Student Evaluations/Testing
2. Allow Officers to work through scenario
- a. Reverence for Human Life
 - b. De-Escalation
 - c. Duty to Intercede
 - d. Rendering First-Aid
 - e. Class Exercises/Student Evaluations/Testing
3. Debrief of Force Options Chosen or not chosen
- a. Statutory Law
 - b. Case Law
 - c. Agency Policies

V. CLOSING

(10 Min)

- A. Reinforce
 - 1. Use of Force Policy
 - 2. Articulation
- B. Critiques