

2018 PSP Training



Today you will:

Demonstrate knowledge in the following areas:

- USE OF FORCE LAW
- CASE LAW
- OUR DEPARTMENT FIREARMS POLICY

Today you will:

Identify key points from the Law Enforcement Officers Killed and Assaulted (LEOKA) study

U.S. DEPARTMENT OF JUSTICE • FEDERAL BUREAU OF INVESTIGATION • CRIMINAL JUSTICE INFORMATION SERVICES DIVISION



2017 LAW ENFORCEMENT OFFICERS KILLED & ASSAULTED

Today you will:

Demonstrate tactical firearms proficiency with your primary sidearm and patrol rifle:

- Standard Department Pistol Qualification
- Standard Department Rifle Qualification

Range Safety Rules

Treat every _____ as if
it were loaded at all times
even if you _____ it is not.

Range Safety Rules

Treat every weapon as if it were loaded at all times even if you believe it is not.

Range Safety Rules

Never point the muzzle at
_____ you do not intend
to _____ or _____. No
_____ or flagging.

Range Safety Rules

Never point the muzzle at anything you do not intend to destroy or kill. No lasering or flagging.

Range Safety Rules

Keep your _____ off the
_____ and outside the
_____ guard until you have
identified a threat or target
and are engaging it.

Range Safety Rules

Keep your finger off the trigger and outside the trigger guard until you have identified a threat or target and are engaging it.

Range Safety Rules

No horseplay. Training is conducted to instill a mindset for prevailing in lethal combat.

Range Safety Rules

Weapons outside the active range must be unloaded, cased or holstered.

Range Safety Rules

Any and all injuries will be immediately reported to the range staff.

Range Safety Rules

No ammunition or loaded firearms are authorized inside the cleaning room.

Range Safety Rules

Range Safety Rules

1. Treat **every** weapon as if it were loaded **at all times**, even if you believe it is not.
2. Never point the muzzle at anything you do not intend to destroy or kill. **NO LASERING OR FLAGGING.**
3. Keep your finger off the trigger and outside the trigger guard until you have identified a threat or target and are engaging it.
4. Always be aware of your target, backstop, and beyond. Identify both your right and left lateral limits.
5. No horseplay. Training is conducted to instill a mindset for prevailing in lethal combat.
6. Weapons outside of the active range must be unloaded, cased, or holstered.
7. Any and all injuries will be immediately reported to the Range Staff.
8. No ammunition or loaded firearms are authorized inside the cleaning room.

Range Safety Checklist

- Emergency/First Aid bags on each range



Range Safety Checklist

- Alert dispatch by phone or radio



Range Safety Checklist

- Fire Station Five across the street



Range Safety Checklist

- Tri City Hospital or Scripps Encinitas Hospital



Lethal Force Overview

- Legal/Moral/Ethical Issues involving Use of Force/Lethal Force
- Civil Implications of Using Force/Lethal Force
 - *Body Cameras/media coverage*
- Mental/emotional survival
- Report Writing

LEGAL AUTHORITY

CALIFORNIA PENAL CODE § 835a

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 effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

MORAL/ETHICAL/ CIVIL IMPLICATIONS?



MORAL/ETHICAL/ CIVIL IMPLICATIONS?

- What influences your decision making?
 - Race, color, creed, gender, etc..
 - What they are doing vs. Who they are?
- Are you prepared mentally? Physically?
 - What if your threat is a child?
 - Physical fitness
 - Suicide by cop
 - “Us or them”

BULLETPROOF MINDSET

OIS: Shooting Scene (Policy 310)

- Public safety statement (*Ward v. City of Portland*)
 - Anyone injured?
 - Where is the scene?
 - How many rounds? (Officer and Suspect) What direction?
 - Outstanding Suspects? Direction of travel?
- Interview
- Report Writing

OIS: Investigations

Officer-involved shootings involve several separate investigations. The investigations may include:

- A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a Division Commander
- An investigation of the incident by the District Attorney
- A civil investigation to determine potential liability conducted by the involved officer's agency
- An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy

Body Cameras/Media Coverage

KFSN

Video 1 & 2
(enhanced and in sync)



Body Cameras/Media Coverage

- Media influence on decision making?
 - Impact of BWC's on policework
 - Before BWC's and After
- Influence of Body Cameras?
 - View footage before finalizing report/making full statement.

Body Cameras/Media Coverage



USE OF FORCE OPTIONS

List some force options starting from least intrusive to most restrictive:

Uniform presence

Verbal commands

Simple control techniques

Hand strikes/kicks

OC Spray

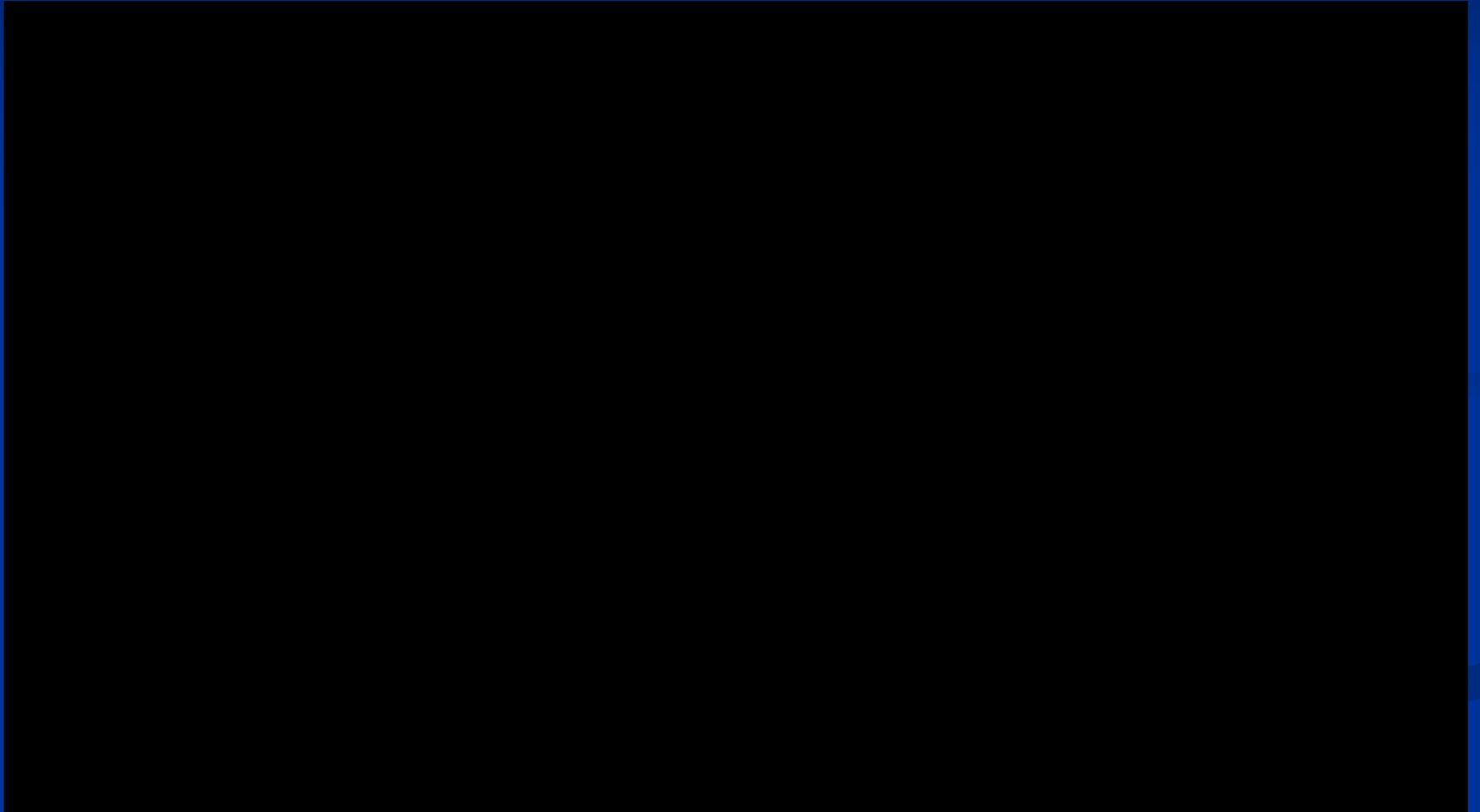
Taser

Impact weapons

Carotid restraint

Lethal/Deadly force

USE OF FORCE OPTIONS



USE OF FORCE OPTIONS

Someone put this phrase in their own words...

“The Carlsbad Police Department use of force policy does not require officers to follow progressive steps when navigating through the use of force spectrum”

Essentially...the officer does not need to utilize less intrusive options before moving on to the next available option (this is also applicable when de-escalating a situation).

Question: Does this apply to lethal/deadly force as well?

YES!!!

ESCALATING AND DE-ESCALATING PROCESS

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, **MAY** use reasonable force in carrying out their duties. (P&P 300.2)

Why do you think the word “MAY” has been highlighted in this case?

Often times, there are several solutions to a problem. The “best solution” does not always have to be at the extreme ends of the spectrum (Ex. Sgt. Lehan’s deployment of the Less Lethal shotgun).

ESCALATING AND DE-ESCALATING PROCESS

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force. So long as the force is reasonable, it is perfectly acceptable to escalate to a level of force greater than the suspect to stop the problem from progressing.

PROBLEM

FORCE OPTION

SOLUTION

ESCALATING AND DE-ESCALATING DISCUSSION

Provide an example of when you were required to **ESCALATE** your use of force in order to prevent a situation from getting out of hand.

Provide an example of when you were able to **DE-ESCALATE** a situation before it got out of hand.

LETHAL/DEADLY FORCE POLICY

An officer may use deadly force to protect him/herself or others from what he/she **reasonably believes** would be an imminent threat of death or serious bodily injury. (P&P 300.4)

Question: What is reasonable?

LETHAL/DEADLY FORCE POLICY: WHEN IS DEADLY FORCE JUSTIFIED?

(Cont.)

An officer may use deadly force to stop a fleeing subject when the officer has:

- PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS COMMITTED, OR INTENDS TO COMMIT, A FELONY INVOLVING THE INFLICTION OR THREATENED INFLICTION OF SERIOUS BODILY INJURY OR DEATH, AND
- THE OFFICER REASONABLY BELIEVES THAT THERE IS AN IMMINENT RISK OF SERIOUS BODILY INJURY OR DEATH TO ANY OTHER PERSON IF THE SUBJECT IS NOT IMMEDIATELY APPREHENDED.*

*Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. (P&P 300.4 (b))

LETHAL/DEADLY FORCE POLICY: WHAT CONSTITUTES AN “IMMINENT THREAT”?

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so. (P&P 300.4 (b))

LETHAL/DEADLY FORCE POLICY: SHOOTING FROM/AT VEHICLES

Shots fired at or from a moving vehicle are rarely effective.

Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle. (P&P 300.4.1)

Case Law

- Graham vs. Connor
- Tennessee vs. Garner

Place the facts in the correct category

If a suspect poses a threat of great bodily harm to others, deadly force is reasonable to prevent escape.

Tennessee vs Garner



Graham vs Connor



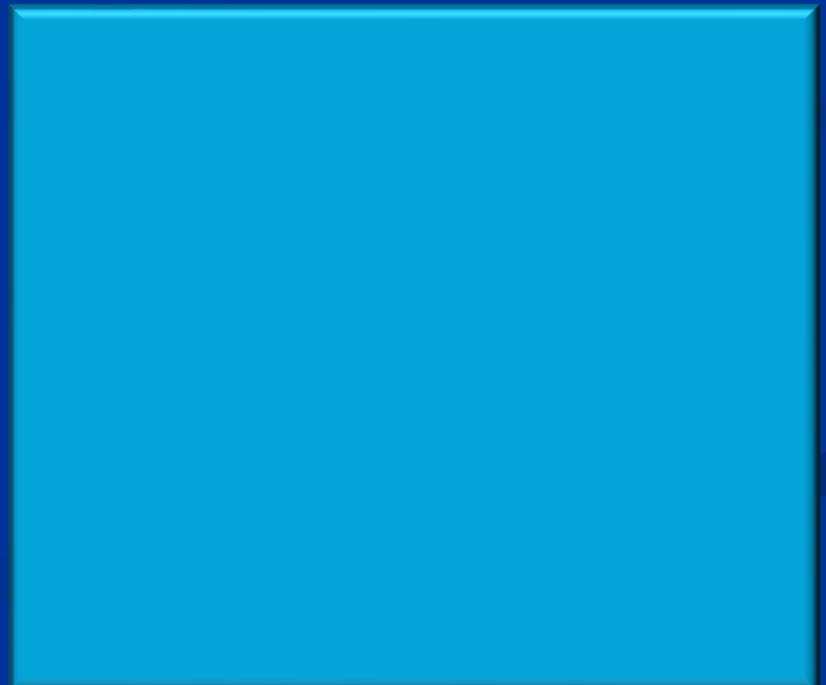
Place the facts in the correct category

Police shoot an unarmed
burglary suspect who was
fleeing over a fence.

Tennessee vs Garner



Graham vs Connor



Place the facts in the correct category

Police can no longer shoot fleeing felons who are not an apparent serious danger of causing bodily harm to others.

Tennessee vs Garner



Graham vs Connor



Place the facts in the correct category

Changed the standard
for use of deadly force
against fleeing felons.

Tennessee vs Garner



Graham vs Connor



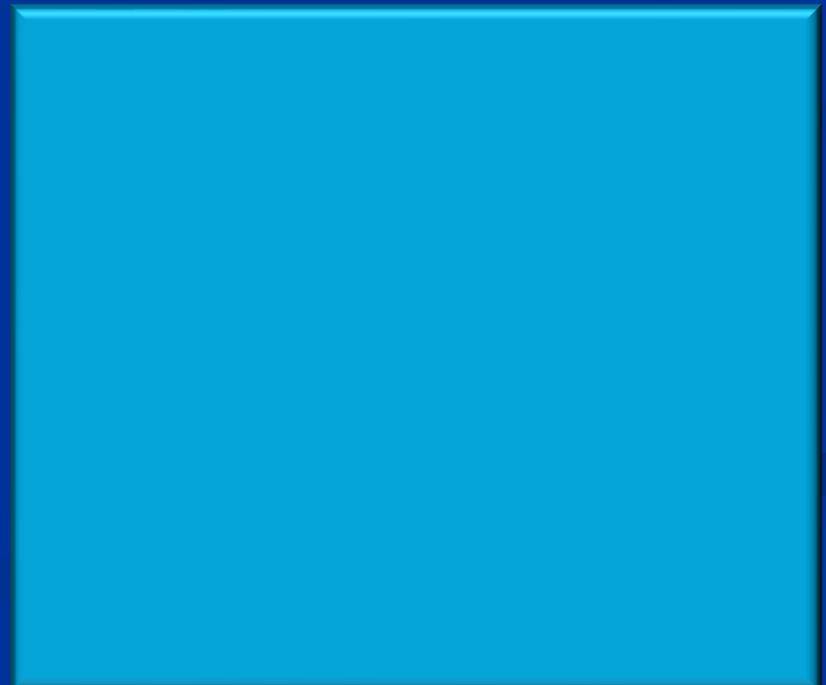
Place the facts in the correct category

Established the
“Objective
Reasonableness”
standard in regard to
use of force.

Tennessee vs Garner



Graham vs Connor



Place the facts in the correct category

Reasonable force must consider facts the Officer knew at the time of the incident.

Tennessee vs Garner



Graham vs Connor



Place the facts in the correct category

The reasonableness
of force used will be
judged by what a
reasonable Officer at
the scene would do.

Tennessee vs Garner



Graham vs Connor



Place the facts in the correct category

The judgment of
reasonable force must
account for the split-
second decisions
Officers are required
to make.

Tennessee vs Garner



Graham vs Connor



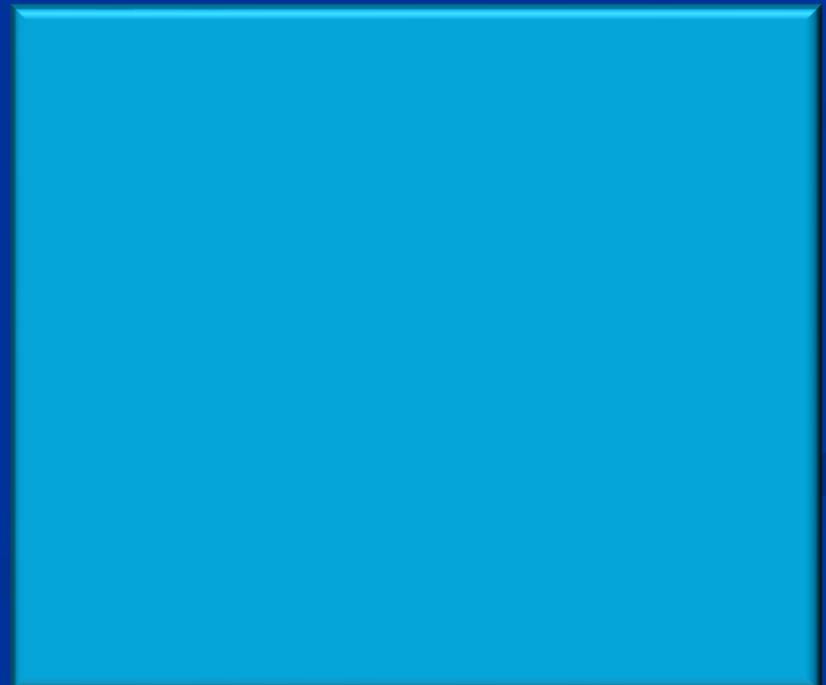
Place the facts in the correct category

Reasonableness of force will be objective, without regard to underlying motive or intent.

Tennessee vs Garner



Graham vs Connor



2018 PSP Training

"Be the type of person
that when your feet touch the floor in the
morning
the devil says, "Aww shit... they're up"

-Dwayne Johnson

