

Tulare County Sheriff's Force Option Simulator Outline

T.I. Training Simulator

Course 2850-21065

Revised: 12/10/20

Course Goal: To improve the decision making skills of officers when engaged in use of force confrontations

Course Objectives:

1. Increase awareness of current law and departmental policies regarding use of force
2. Improve proficiency in appropriate force option selection
3. Improve decision making during stressful events (stress inoculation)
4. Improve tactics during potentially violent confrontations
5. Improve documentation of use of force

Module total time: 4 hours

Resources required: Laptop computer, LCD projector, screen, speakers, remote & laser pointer, flip charts with appropriate markers. Force Options Simulator (with a means for the whole class to observe scenarios)

Course content	Instructor Notes
<p>I. Introduction</p> <ol style="list-style-type: none"> a. Student registration b. Instructor introduction <ol style="list-style-type: none"> i. Explain expectations <ol style="list-style-type: none"> 1. Treat scenarios as real 2. Instructor may share anecdote of this training benefiting/saving officers c. Student introduction (options) <ol style="list-style-type: none"> i. Have each student introduce self ii. Overhead questions to class <ol style="list-style-type: none"> 1. Identify various agencies present 2. Identify new students (show of hands) 3. Identify who in the class had the most recent use of force – and share their story d. Course Goal – Improve decision making skills related to use of force e. Course objectives <ol style="list-style-type: none"> i. Increase awareness of current law and agency policies regarding use of force ii. Improve proficiency in appropriate force option selection iii. Improve decision making during stressful events (stress inoculation) iv. Improve tactics during potentially violent confrontations <p>II. Improve documentation of use of force</p> <p>III. Laws of arrest (4th Amendment seizure) PSP (h)</p> <ol style="list-style-type: none"> a. Consensual <ol style="list-style-type: none"> i. Objective standard 	<p>Have class ready - registration papers in order, equipment ready before students arrive. Begin sign in as students come in.</p> <p>Instructor bios.</p> <p>Instructor stress the importance of the training and treating the scenarios as real – no excuses “I would have...if it were real”</p> <p>Pretest students by overhead questioning.</p> <p>Explain that this course is PSP/CPT</p> <p>Overhead questions that may be used:</p>

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<ul style="list-style-type: none"> ii. Free to leave or terminate iii. No seizure (no force can be applied) b. Detention <ul style="list-style-type: none"> i. Reasonable suspicion - legal standard to detain ii. Officer with same training and experience would believe that the subject had engaged, is engaging, or is about to engage in criminal activity – that criminal activity is afoot (<i>Hodari D. (1991) 499 U.S. 621, 627-628; Bostick (1991) 501 U.S. 429, 434; Souza (1994) 9 Cal.4th 224, 229 Source: CPOLS</i>) iii. Limited in scope c. Arrest <ul style="list-style-type: none"> i. Probable cause - legal standard for arrest ii. Reasonable person would have an honest and strong suspicion that the subject is guilty of a crime <p>IV. Laws PSP (h) (i)</p> <ul style="list-style-type: none"> a. PC 835(a) <ul style="list-style-type: none"> i. The use of objectively reasonable force to effect arrest, prevent escape, or overcome resistance ii. A peace officer need not retreat or desist because the suspect resists or threatens to resist iii. Officer will not be deemed the aggressor iv. Officer does not lose the right of self defense by using reasonable force v. Amendments to PC 835 as a result of AB 392. b. Other laws (optional) <ul style="list-style-type: none"> i. US Constitution 4th Amendment <ul style="list-style-type: none"> 1. Seizures must be “Objectively reasonable” ii. Titles 42 and 18 – Federal iii. PC 843: Arrest under warrant; force permissible, what force may be used iv. PC 196: Justifiable homicide, public officers v. PC 197: Justifiable homicide, any person vi. PC 198: Justifiable homicide, sufficiency of fear vii. PC 198.5: Home protection, use of deadly force, presumption of fear of death or great bodily injury <p>V. Case law PSP (h) (i) (j)</p> <ul style="list-style-type: none"> a. Graham vs. Conner (Objectively reasonable force) <ul style="list-style-type: none"> i. Force evaluation considerations <ul style="list-style-type: none"> 1. Judged from the perspective of a reasonable officer on scene rather than 20/20 hindsight <ul style="list-style-type: none"> a. Officer with same or similar training and experience b. Facing similar circumstances c. Act the same way or use similar judgment 	<ol style="list-style-type: none"> 1. What are the three types of contacts that we make as Peace Officers? 2. What is a consensual encounter? 3. What is the legal standard to detain someone? 4. What is the legal standard to arrest 5. Why is this important to use of force <p>Video clips may be used. Instructor may assign viewing tasks to identify various course elements</p> <p>Instructor may ask the class to provide the elements of PC 835(a) or state laws affecting powers of arrest</p> <p>Instructor may facilitate class discussion on the optional laws</p> <p>Instructor may share factual story of the cases – then the lessons learned by the court decision</p> <p>Instructor may ask class to explain or share knowledge on each listed case if known.</p> <p>Using powerpoint, and facilitated discussion, the instructor will</p>
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<ul style="list-style-type: none"> 2. Examined through the eyes of an officer on the scene at the time the force was applied 3. Based on the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation 4. Based on the knowledge that the officer acted properly under the established law at the time ii. Factors <ul style="list-style-type: none"> 1. The severity of the crime 2. The threat of the suspect to officers and citizens 3. The active resistance of the suspect to arrest/escape iii. Reasonableness see also - <i>Scott v. Harris (2007)</i> Vehicle pursuit – objective reasonableness is the standard b. <i>Scott vs. Henrich (39 F.3d 912 (9th Cir. 1994))</i> <ul style="list-style-type: none"> i. Officers do not necessarily need to use the least intrusive force ii. Force must be objectively reasonable and justified iii. Example (from <i>Forrester v. San Diego</i>) <ul style="list-style-type: none"> 1. Officers don't have to carry protesters, they can use pain compliance or other means to effect arrest c. <i>Bryan vs. McPherson (F.3d---,2009 WL 5064477 (C.A.9 (Cal.)), December 28, 2009)</i> <ul style="list-style-type: none"> i. Electronic Weapon on traffic stop ii. Need to articulate an immediate threat to officer or others iii. Electronic weapons constitute an "intermediate or medium, though not insignificant, quantum of force" iv. Duty to warn d. Legal standard for deadly force <ul style="list-style-type: none"> i. Objective and reasonable belief he/she or another person is in imminent danger of death or serious bodily injury ii. Given the totality of the facts known to the officer at the time e. <i>Tennessee vs. Garner (Deadly force)</i> <ul style="list-style-type: none"> i. In order for peace officers to employ deadly force on a fleeing suspect, they must consider: <ul style="list-style-type: none"> 1. Fleeing Suspect <ul style="list-style-type: none"> a. PC to believe that the subject poses a threat of death or serious physical harm, either to the officer or others 2. Violent crime 	<p>cover each case according to the outline</p> <p>*It is important that the instructor remain in control of the topic and that the court direction is explained to the students accurately</p>
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<ul style="list-style-type: none"> a. PC to believe that he has committed a crime involving the infliction or threaten infliction of serious physical harm 3. Deadly Force <ul style="list-style-type: none"> a. Probable cause to believe that the use of deadly force is reasonably necessary 4. Warning <ul style="list-style-type: none"> a. Some warning be given prior to the use of deadly force where feasible f. Other case law (optional) <ul style="list-style-type: none"> i. Reasonable force <ul style="list-style-type: none"> 1. Brooks v. Seattle (2010) Drive-stun as pain compliance 2. Forrester v. San Diego (1994) Least intrusive means (reasonable force) 3. Reynolds v. San Diego (1994) Qualified immunity when officers act reasonably 4. Forrett v. Richardson (1997) fleeing felony shot – totality of circumstances 5. Hemet v. Smith (2005) Deadly force defined (9thcir) 6. Vera Cruz v. Escondido (1997) Old definition of deadly force 7. Deorle v Rutherford (2001) Projectile impact weapons – duty to warn 8. Chew v. Gates (1994) Severity of the threat is most important factor 9. Martinez v. County of Los Angeles (1996) Officer is not required to wait in order to find out if the suspect will injure or kill the officer before using reasonable force ii. Seizure of person <ul style="list-style-type: none"> 1. Terry v. Ohio (1968) Stop and frisk based on reasonable suspicion 2. Florida v. Bostick (1991) Consensual encounters – free to decline officer's requests 3. US. v. Place (1983) Prolonged detention (90minutes) 4. Brower v. County of Inyo (1989) Roadblock; no seizure of a person unless the police intentionally use force to effect the stop or movement of a person, or the suspect submits to authority 5. Brendlin v. California (2007) Vehicle passenger may challenge stop iii. Judgments against police 	<p>The instructor may choose to mention or cover some of the optional cases in the same manner as above.</p>
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<ol style="list-style-type: none"> 1. US. v. Koons (1994) Rodney King – deprivation or rights under color of authority 2. Yang v. Hardin (1994) failure of witness officer to intervene on criminal force 3. Quezada v. Bernalillo (1991) Negligence sole cause of death – forced by ofcrs. 4. Alexander v. San Francisco (1994) Forcing a confrontation 5. Starks v. Enyart (1993) No self-defense if step into path of vehicle <p>iv. Response guidance</p> <ol style="list-style-type: none"> 1. Castle rock v. Gonzales (2005) Failure to respond by police 2. Heck v. Humphrey (1994) 148 guilty = protection of false arrest and excessive force claim 3. Reed v. Hoy (1989) Police need not retreat – support 835(a)PC 4. Deshaney v. Winnebago (1989) Failure to protect (no special relationship with Restraining order) <p>VI. Agency policy PSP (h)</p> <ol style="list-style-type: none"> a. Case law discussion (optional) <ol style="list-style-type: none"> i. Peterson vs. Long Beach ii. Long Beach vs. Long Beach POA b. Overview of policies <ol style="list-style-type: none"> i. Each student will be responsible for knowledge of their agency use of force policy prior to attending the class ii. Duty to know agency policy iii. Current TCSO Policy 300 Force Options iv. Policy as it relates to SB230 <p>VII. Force options PSP (i)</p> <ol style="list-style-type: none"> a. Defined: Force options are choices available to a peace officer in each agency's policy to overcome resistance, effect arrest, prevent escape, or gain control of the situation. b. Force options <ol style="list-style-type: none"> i. Uniform presence ii. Verbal skills iii. Chemical agents iv. Control hold/ hands v. Impact weapons vi. Electronic weapons <ol style="list-style-type: none"> 1. Drive-stun <ol style="list-style-type: none"> a. Pain compliance 2. Probes <ol style="list-style-type: none"> a. Neuromuscular incapacitation (NMI) vii. Projectile impact weapons 	<p>Instructor should probe students to ensure that they know/understand their agency policy – best as time allows</p> <p>If homogenous group, instructor may cover agency policy for that group/class</p> <p>*Agency policy may (and likely is) more restrictive than law</p> <p>Instructor may ask class to:</p> <ol style="list-style-type: none"> 1. Define force options 2. List force options 3. Identify deadly force options 4. Does the way a specific force option is applied affect the level of force? Explain your answer. <p>Instructor – do not present these options as a continuum or ladder of force application</p>
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<ul style="list-style-type: none"> viii. Firearms ix. Other deadly force <ul style="list-style-type: none"> 1. Vehicles 2. Knives x. Additional options <ul style="list-style-type: none"> 1. Canine 2. Assisting units 3. Tactical withdraw <p>VIII. Tactical Overview PSP (a) (b) (c) (d) (e)</p> <ul style="list-style-type: none"> a. Level of awareness <ul style="list-style-type: none"> i. Pre-assaultive behaviors <ul style="list-style-type: none"> 1. Verbalization 2. Body language <ul style="list-style-type: none"> a. Glance targeting by suspect (acquiring officer as target) b. Hands 3. Overly compliant ii. Fatigue, preoccupation, injuries, medication, etc. b. Environmental awareness <ul style="list-style-type: none"> i. Friends, relatives, associates, other threats c. Familiarization of equipment <ul style="list-style-type: none"> i. Tools on your belt ii. Weapons systems iii. If not comfortable (negligent entrustment) <ul style="list-style-type: none"> 1. Must learn 2. If at time of deployment – defer d. Accuracy (target acquisition) e. Avenue of escape/surroundings f. Movement g. Cover (generally stops bullets) h. Concealment (hides officer's position) i. Distance <ul style="list-style-type: none"> i. Distance = time ii. Time = options iii. Lag-time <ul style="list-style-type: none"> 1. Pre-event lag time (less) 2. Post-event lag time (more after stressful confrontations) <ul style="list-style-type: none"> a. May take longer to de-escalate – to perceive that the threat is gone/stopped j. Communications (verbalization) <ul style="list-style-type: none"> i. Suspect <ul style="list-style-type: none"> 1. Clear, concise directions (tone and volume appropriate) 2. Don't speak over each other or contradict each other ii. Fellow officers 	<p>Instructor disclaimer: tactics are subjective and these concepts are general</p> <p>Instructor may show "threat indicators" video with possible viewing task: "What threat indicators are not shown in the video?"</p> <p>Instructor may use overhead questions to facilitate class discussion</p> <ul style="list-style-type: none"> 1. Identify tactical considerations during a detention 2. Identify tactical considerations immediately prior to a force application 3. Identify tactical considerations during a use of force
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<ul style="list-style-type: none"> 1. Identify roles <ul style="list-style-type: none"> a. Contact, cover, hands on, verbal, etc. b. Plain clothes/off-duty iii. Dispatch <ul style="list-style-type: none"> 1. Prioritize (when to communicate) 2. Direct resources IX. Practical Application Simulator Scenarios PSP (a) (b) (d) (e) (f) (g) (i) <ul style="list-style-type: none"> a. Safety brief / Four rules of firearm safety <ul style="list-style-type: none"> i. Guns are always loaded ii. Never allow muzzle to cover anything that you are not willing to destroy iii. Keep finger off the trigger until you are ready to shoot iv. Be sure of your target and background b. Weapons familiarization specific to the simulator c. No live weapons are allowed in the simulator room. i.e., Firearms, ammunition, knives, OC spray, and Tasers d. Scenarios <ul style="list-style-type: none"> i. Minimum of three (3) scenarios for each student (as contact officer) <ul style="list-style-type: none"> 1. Not in succession 2. Include at least one (1) non-shoot per student ii. Entire class present during scenarios if possible iii. Debrief each scenario as it is completed iv. One instructor per two students during active scenarios. <ul style="list-style-type: none"> 1. Instructor question options <ul style="list-style-type: none"> a. What did you see? b. What did you do? c. Why did you do it? d. What could you have done better e. How would you write your report 2. Entire class (students present) identifies <ul style="list-style-type: none"> a. Things done well b. Things that could have been done better c. Lessons learned X. Course Evaluation and Final Review 	<p>Instructor may use a break here to allow for weapon storage if not already done.</p> <p>INSTRUCTOR MUST ENSURE WEAPONS CHECK AND SAFETY BRIEF</p> <p>SIMULATOR SCENARIOS REQUIRE TWO INSTRUCTORS</p> <p>Instructor running the simulator also visually inspects students</p> <p>Instructor ground rules for debriefs:</p> <ol style="list-style-type: none"> 1. Mistakes are okay in here (it's how we learn) 2. Don't belittle or embarrass student 3. Don't beat a dead horse – if they ID their mistake or get it. 4. Recognize and identify what was appropriate specifically related to lesson plan (reinforcing course content) 5. Be thorough 6. Get students to self-assess 7. Ensure legal standards are met/learned – shown by student being able to explain and apply legal standard 8. Instructor must be willing to confront mistakes by students <p>The instructor may debrief students by role-playing as the first supervisor on scene, asking "what happened?"</p>
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Learning Activity # 1 Video Clip "Threat Indicators"

Time required: 5 minutes (optional follow-up 10-15 minutes)

Purpose of Activity: This activity is designed to get the students to closely examine a training video that demonstrates pre-assaultive behavioral cues.

Description: Prior to playing the video clip, ask the class to look for any behavioral cues NOT mentioned or identified in the video. After playing the clip, facilitate a brainstorming list of other pre-assaultive behaviors not identified in the video.

(Optional) Follow-up: Use this informational base to conduct an open forum discussion about these pre-assaultive behaviors and the proper response to them by peace officers, including strategies to deter the attack. Keep in mind that this exercise could branch out to cover a number of topics located throughout the course outline.

Resources Needed: Video clip "Threat Indicators", projector, screen, speakers, media playing device.

Key learning Points:

- Learn what pre-assaultive behaviors are
- Identify when suspects are exhibiting pre-assaultive behaviors
- Learn methods of deterrence before the suspect attacks
- Identify proper responses to pre-assaultive behaviors