

POST PERISHABLE SKILLS PROGRAM (PSP)

V – USE OF FORCE

The Monterey Police Department | 1380

CCN: 29580 | POST Certification II | Reimbursement Plan IV | 4 hours

COURSE GOAL:

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

The training may be presented in a 4, 6, or 8-hour format allowing for flexibility based upon specific agency or trainee group needs, as long as the minimum topics are contained within each format independently.

USE OF FORCE

Minimum Topics/Exercises:

- a. Statutory Law
- b. Case Law
- c. Agency Policies
- d. Reverence for Human Life
- e. De-Escalation
- f. Duty to Intercede
- g. Rendering First-Aid
- h. Class Exercises/Student Evaluations/Testing

COURSE OBJECTIVES:

The student will:

1. Demonstrate knowledge of use of force laws.
2. Demonstrate knowledge of individual agency's use of force policies.
3. Demonstrate an understanding of force options decision-making with every technique and exercise, to include:
 - A. Reverence for Human Life
 - B. De-Escalation and Verbal Commands
 - C. Rendering First-Aid
 - D. Legal Duty to Intercede and Report Excessive Force to a Superior Officer

Minimum standards of performance shall be tested by an instructor observing the trainee during their participation in facilitated discussions, case study analysis, and scenarios. If the trainee does not meet minimum standards, as established by the presenter, remediation will be provided until the standard is met.

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EXPANDED COURSE OUTLINE

I. INTRODUCTION/ORIENTATION

A. Introduction, Registration and Orientation

1. Instructor/student introductions
2. Registration/rosters

B. Course Goals and Objectives

1. Increase knowledge of use of force laws
2. Increase knowledge of individual agency's use of force policies
3. Increase understanding of force options decision-making

II. POLICIES AND LEGAL ISSUES

A. Statutory Law

V(a)

1. Existing law

a. AB 392 – Emphasize the importance of necessity

- 1) "...it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life."
- 2) "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."

b. AB 392 - Emphasize the change in 835a that adds "totality of circumstances" and how it can affect the reasonableness of force that is used

1) PC 835a

- a) Objectively reasonable standard - and how it has been defined in 835a
- b) Fleeing felons
- c) Suicidal persons
- d) Pre-force tactics and conduct of officer/suspect
- e) Discuss the difference in imminent and immediate threat
 - (1) Penal Code defines "Imminent" threat
 - (2) When a reasonable officer would perceive a present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury

2) PC 196

- a) Homicide is justifiable when committed by peace officers and those acting by their command in their aid and assistance, under either of the following circumstances:

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- (1) *In obedience to any judgment of a competent court*
- (2) *When the homicide results from a peace officer's use of force that is in compliance with Section 835a*

b) What's changed?

- (1) Removed "When necessarily committed in overcoming actual resistance to the execution of some legal process or in the discharge of any other legal duty"
- (2) Removed "When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony and who are fleeing from justice or resisting such arrest"

c. SB 230

2. Pending legislation

B. Case Law

V(b)

1. Foundational cases

- a. Graham v. Connor
- b. Tennessee v. Garner
- c. Hayes v. City of San Diego

2. Pending cases

C. Agency's Use of Force Policy

V(c)

- 1. Agency's existing policy
- 2. How has the policy changed in recent years?
- 3. How does this affect how officers do the job?
- 4. Officer's responsibility to notify supervisor following use of force
- 5. Supervisor's responsibility following a notification

III. REVERENCE FOR HUMAN LIFE AND DUTY TO INTERCEDE

V(d, f)

A. Reverence for Human Life

- 1. What does "reverence for human life" mean?
- 2. How is this applied to the use of force?

B. Duty to Intercede (*Penal Code 13519.10(b)(2), Penal Code 7286(b)(8)*)

- 1. What is a "duty to intercede?"
 - a. Bystander officer liability
 - b. What is the stigma around this?
 - c. How do we break the stigma?
 - d. How does this reflect your personal and organizational core values?
- 2. What is your responsibility as a peace officer to intervene?
 - a. To the public?
 - b. To fellow officer(s)?
 - c. To self?

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- d. To organization?
3. What are the consequences and liabilities?
 - a. Criminal
 - b. Civil
 - c. Administrative
 - d. Moral/ethical
4. How do you recognize when to intercede?
5. Agency's policy on duty to intercede
 - a. What is your responsibility to report to a supervisor?
 - b. Has the policy changed in recent years?
 - c. What is the policy on retaliation?
- C. Rendering First-Aid **V(g)**
 1. What is your responsibility to render first-aid?
 2. How does one deem when it is safe to render first-aid?
 3. Discuss agency policy regarding handcuffing techniques when rendering aid to subjects who are severely injured or possibly deceased
 4. Agency's policy on rendering first-aid

IV. DE-ESCALATION AND VERBAL COMMANDS

V(e)

- A. De-Escalation
 1. What is it?
 2. How is it used?
 3. What are the key components and considerations?
- B. Verbal Communications versus Verbal Commands
 1. How does verbal communication fit in as a force option?
 2. How is it used as a tool for de-escalation?
 3. How might either verbal communication or commands affect the outcome of a situation?
- C. Control the Environment
 1. Tactical pause
 2. Slow down
 3. Gather information
 4. Develop a plan
 5. Time + Distance = Options
- D. Making Sound Decisions
 1. What is important right now?
 2. Set priorities
 3. Think through your choices
 4. Make sound decisions

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V. CLASS EXERCISES AND STUDENT EVALUATIONS/TESTING

V(h)

- A. Practice engaging in potential use of force situations via active process
 - 1. Individual or small group case study review
 - 2. Discussion of case studies
 - 3. Participation in role play scenarios
 - 4. Observation of role play scenarios
 - 5. Debrief of role play scenarios using the following lenses:
 - a. Department policy/legal standards
 - b. Procedural Justice – How did the response demonstrate procedural justice?
 - c. Tactics
- B. Evaluation of potential use of force situations via demonstration
 - 1. Evaluate role play scenarios
 - 2. Feedback from peers
 - 3. Feedback and debrief from instructors using the following lenses:
 - a. Department policy/legal standards
 - b. Procedural Justice – How did the response demonstrate procedural justice?
 - c. Tactics

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Possible Topics for Learning Activities, Facilitated Discussions, Scenarios

- Traffic Stop
- Pedestrian Stop
- Consensual Encounter
- Disruptive/Defiant Student
- Fight in progress/Public Disturbance
- Fleeing suspect (foot & vehicle)
- Creating your own exigency
- Excessive/Potentially Excessive Force (Duty to Intercede)
- Unnecessary Force (Duty to Intercede)
- Crowd Management/Crowd Control
- Mental Health Crisis
- Person(s) with disability
 - o Autism
 - o Hearing Impaired
 - o Non-verbal
 - o Amputee
 - o Wheelchair
- Alleged suspicious person(s)
- Alleged Shoplift
- Domestic Violence
- Language/Culture barriers
- Implicit/Explicit bias
 - o Officer bias
 - o Community bias
 - o Organizational bias
- Articulation and Report Writing
 - o Review of Body Worn Camera or In Car Camera video
- Courtroom testimony