

## **FORCE OPTIONS ISOLATION DRILLS**

Santa Clara County, Office of the Sheriff – 2270

CCN: 22264 | POST Certification II | Reimbursable Plan NA | 4 Hours

### **GOAL:**

This course will provide peace officers with the skills and knowledge necessary to effectively improve decision making skills related to Use of Force. This includes increasing knowledge in current use of force law and improving skills in tactics/selection of reasonable force options by utilization of instructor role-player(s). The course also includes the minimum topic areas to satisfy the Category I (Firearms) perishable skills training requirement - POST Regulation 1005 (d)(4). This course provides updated legislative content of Penal Code Section 835a.

### **Minimum Topics/Exercises:**

- a. Safety Policy/Orientation
- b. Moral obligations
- c. Use of Force considerations
- d. Policy and/or Legal Standards
- e. Sight Alignment, Trigger Control, Accuracy
- f. Target Recognition and Analysis
- g. Weapons Clearing/Manipulations
- h. Live Fire Tactical/Marking Cartridges
- i. Basic Tactical Firearms Situations, Judgment and Decision-Making Exercise(s)
- j. Class Exercises/Student Evaluation/Testing

### **COURSE OBJECTIVES:**

The trainee will:

1. Demonstrate knowledge of Santa Clara County - Office of Sheriff's Use of Force/Firearms Policy.
2. Identify the tactical analysis key points related to tactical firearms as reported in POST Law Enforcement Officers Killed and Assaulted (LEOKA) Studies (1994 to Present).
3. Demonstrate a minimum standard of simulator weapon proficiency with every technique, exercise, and course-of-fire, to include:
  - A. Judgment and Decision Making
  - B. Firearms Safety
  - C. Fundamentals of Marksmanship
  - D. Safe Drawing and Presenting Firearms
  - E. Threat Assessment/Identification
  - F. Speed, Accuracy and Effectiveness under stress and movement conditions
  - G. Shot Placement: Combat Effectiveness
  - H. Malfunctions Clearing
  - I. Loading/Reloading

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***Minimum standards of performance shall be tested by an instructor observing the trainee during their performance of each technique, exercise, and course-of-fire. If the trainee does not meet minimum standards, as established by the presenter, remediation will be provided until the standard is met.***

### **EXPANDED COURSE OUTLINE**

#### **I. Introduction**

**I. (a), (c)**

##### **A. Goals and objectives**

1. Improve decision making skills related to Use of Force.
2. Increase knowledge in current use of force law
3. Improve skills in tactics/selection of appropriate force options by utilization of role-player(s).
4. Improve documentation of use of force incidents

##### **B. Classroom use/safety issues**

1. Classroom schedule
2. Simulator schedule
3. Safety issues

#### **II. Legal Standards**

**I. (h), (i), (j)**

##### **A. Core Transactions**

1. Consensual Encounter
2. Detention
3. Arrest

##### **B. Reasonable Force PC § 835a**

1. When may peace officer use reasonable force?
2. Conditions of retreat and aggression
3. Seriousness of Uses of Force
4. Physical, mental health, developmental and intellectual disabilities
5. Deadly force defined
6. Imminent defined
7. Totality of Circumstances and tactics used
8. PC § 196 Justifiable Homicide amended; must be compliant with PC 835a

##### **C. Case Law and their impact on reasonable force and deadly force**

1. Graham v. Connor (now codified within PC § 835a)
2. Tennessee v. Garner
3. Forrett v. Richardson
4. Hayes v. San Diego (creating exigency)
5. Alexander v. San Francisco (creating exigency, type of crime involved)

##### **D. Supporting Case Law Decisions**

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1. "Officers need not avail themselves to lesser alternatives of force. The test is one of reasonableness, not escalation."
  2. Scott v. Henrich (9th Circuit 1994):
  3. Reed v. Hoy (9th Circuit 1989)
  4. Scott v. Mcpherson – duty to warn
- E. Basis of Deadly Force
1. Objective and reasonable belief his/her life is or another's is in imminent danger of death, or serious injury
  2. Based on the totality of the circumstances known to the officer at the time of his/her actions
  3. Present Ability, Opportunity, Apparent Intent
- E. Department Policy
1. Officers must know and follow their department policy.
  2. Failure to follow department policy can lead to civil and administrative liability.
  3. \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - a) \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - b) \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - c) \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - d) \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - e) \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - f) \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - g) \*\*\*Redacted per Government Code 6254(f)\*\*\*

### III. Force Options and their use

I. (a), (i), (j), (k)

- A. Listed options available:
- a) Uniform Presence
  - b) Verbal / De-escalation
  - c) Hands / Control Hold
  - d) Chemical agents
  - e) Impact weapons
  - f) Less lethal weapons
- B. General responsibility when force is used:
1. Each situation is unique.
  2. The Department relies on the officer's judgment and discretion to employ an objectively reasonable level of force under each unique circumstance.
  3. Each incident in which force is used shall meet the conditions specified

### IV. Officer Safety

I. (e), (i)

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- A. Recognizing “Pre-Assaultive Behavior”
  - 1. Constantly reassess the suspect for signs of pending aggressions.
  - 2. Verbalizations.
  - 3. Body language.
  - 4. Often more indicative than verbalizations
  - 5. Overly compliant.
- B. Officer response to “Pre-Assaultive Behavior”
  - 1. Gain distance (equates to more options).
  - 2. Deploy a reasonable force option in preparation for the suspect’s most likely attack; gives officer an advantage on the reactionary gap
  - 3. Communicate with suspect
  - 4. Processing of emotions and stress response (fight, flight, freeze)
  - 5. Maintaining mental toughness

### V. Simunition Scenarios

#### I. (a), (b), (c), (d), (e), (f)

- A. Weapons Safety
  - 1. Four Basic Safety Rules
    - a) Guns are always loaded, and should be treated that way.
    - b) Never allow muzzle to cover anything you are not willing to destroy.
    - c) Keep finger off trigger until ready to shoot (indexing).
    - d) Be sure of your target background, and foreground.
- B. Simulator weapons familiarization
  - 1. Safety Briefing
  - 2. Weapons Check
  - 3. \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - a. \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - b. \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - c. \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - d. \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - e. \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - f. \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - g. \*\*\*Redacted per Government Code 6254(f)\*\*\*
  - 4. \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - a. \*\*\*Redacted per Government Code 6254(f)\*\*\*
      - i. \*\*\*Redacted per Government Code 6254(f)\*\*\*
      - ii. \*\*\*Redacted per Government Code 6254(f)\*\*\*
      - iii. \*\*\*Redacted per Government Code 6254(f)\*\*\*
    - b. \*\*\*Redacted per Government Code 6254(f)\*\*\*
      - i. \*\*\*Redacted per Government Code 6254(f)\*\*\*
      - ii. \*\*\*Redacted per Government Code 6254(f)\*\*\*

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- iii. \*\*\*Redacted per Government Code 6254(f)\*\*\*
- iv. \*\*\*Redacted per Government Code 6254(f)\*\*\*
- v. \*\*\*Redacted per Government Code 6254(f)\*\*\*

- C. \*\*\*Redacted per Government Code 6254(f)\*\*\*
  - 1. \*\*\*Redacted per Government Code 6254(f)\*\*\*
  - 2. \*\*\*Redacted per Government Code 6254(f)\*\*\*
  - 3. \*\*\*Redacted per Government Code 6254(f)\*\*\*
  - 4. \*\*\*Redacted per Government Code 6254(f)\*\*\*
  - 5. \*\*\*Redacted per Government Code 6254(f)\*\*\*
  - 6. \*\*\*Redacted per Government Code 6254(f)\*\*\*
- D. Target Acquisition
  - 1. Center of mass
  - 2. Responsible for all rounds down range
  - 3. Pick-up front sight
- E. Target Analysis
  - 1. \*\*\*Redacted per Government Code 6254(f)\*\*\*
  - 2. \*\*\*Redacted per Government Code 6254(f)\*\*\*
  - 3. \*\*\*Redacted per Government Code 6254(f)\*\*\*
  - 4. \*\*\*Redacted per Government Code 6254(f)\*\*\*
  - 5. \*\*\*Redacted per Government Code 6254(f)\*\*\*
- F. Exercise demonstration
  - 1. Exercise participants responsibilities
  - 2. Students not participating locations and responsibilities
    - a. Students directed to viewing area in back of room out of simulation area
    - b. Supervised by certified Instructor
  - 3. Timing
  - 4. De-brief procedure
- G. Tactical Overview
  - 1. Surroundings
  - 2. Familiarity with equipment
  - 3. Lateral movement
  - 4. Cover
  - 5. Concealment
  - 6. Distance to enhance tactical advantage
- H. Communications
  - 1. Communicate with fellow officers.
  - 2. Communicate with suspect.
  - 3. Communicate with dispatch, however only when safe to do so.

## VI. Judgment and decision making exercises: Student participation portion.

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#### A. Use of Force and De-escalation Scenario(s)

1. \*\*\*Redacted per Government Code 6254(g)\*\*\*
  - a. \*\*\*Redacted per Government Code 6254(g)\*\*\*
  - b. \*\*\*Redacted per Government Code 6254(g)\*\*\*
  - c. \*\*\*Redacted per Government Code 6254(g)\*\*\*
  - d. \*\*\*Redacted per Government Code 6254(g)\*\*\*
  - e. \*\*\*Redacted per Government Code 6254(g)\*\*\*
  - f. \*\*\*Redacted per Government Code 6254(g)\*\*\*
  - g. \*\*\*Redacted per Government Code 6254(g)\*\*\*
  - h. \*\*\*Redacted per Government Code 6254(g)\*\*\*
  - i. \*\*\*Redacted per Government Code 6254(g)\*\*\*
  - j. \*\*\*Redacted per Government Code 6254(g)\*\*\*

#### B. Discussion

1. Was the application of force used, Reasonable for the situation, and why?
2. Would the force used fall within agency guidelines?
3. What P.C. gives this Deputy his authority to use force, and specifically what section (s)?
4. Did the suspect commit a life threatening felony or crime of violence? What case law covers this type of incident?
5. Would you be mandated to use a lesser level of force prior to the one depicted? What is the test?
6. What did the Supreme Court say about an instrument of lethality?
7. Would you, in the same role, have a duty to retreat? Why?
8. What de-escalation tactics were utilized?