

BURLINGAME POLICE DEPARTMENT
Force Option Simulator PSP
Extended Course Outline
CCN 5510-21065
4 hours

Instructional Goal: To provide the students with an increased knowledge of Department policy and procedures. To ensure students receive updated information regarding changes in force options available, and increase their ability to articulate policy related to Use of Force (**UOF**). To utilize open ended questions to encourage critical thinking and decision-making skills. To evaluate a situation, formulate a plan, take appropriate action and articulate their reasoning behind their decision(s).

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Resources Required: Force Options Simulator System (Make: MILO Range, Model: Classic)

Performance Objective: This training will increase the officer's confidence and ability to articulate and assess their actions during a UOF situation in an effort to reduce liability with the Department.

The student will develop the skills and abilities to successfully accomplish the following:

- Demonstrate the ability to articulate and apply current State and Federal law and the Department's UOF Policy.
- Demonstrate the ability to apply the law and UOF Policy to various scenarios during simulator training.
- The students will better understand how the application of this training is in keeping with our Department's UOF policy, philosophy, and tactical planning.
- The Departments guiding value when using force shall be reverence for human life.

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FORCE OPTION SIMULATOR (FOS) COURSE OVERVIEW

(10 mins) I. c,i

- A. Introduction
 - a. Instructors
 - b. Distribute and complete POST roster
- B. Overview of the purpose for FOS course
 - a. Provide a refresher regarding de-escalation techniques; and various force options, articulation of policy/law, and force options
 - b. Increase proficiency in selection of appropriate force options and de-escalation
 - c. Improve skills in tactics and force options by using the simulator
 - d. To maintain consistency of training throughout the Department
- C. Overview of training schedule
 - a. Provide safety information
 - b. Review POST AB 392 legal update video and what it means to law enforcement
 - c. Review of the UOF Policy, de-escalation techniques and objectively reasonable standards
 - d. Discuss human performance factors as they relate to use of force
 - e. Discuss post-incident considerations
 - f. Practical application will be demonstrated via use of force simulator
 - g. Perishable Skills Training will be received
- D. Safety overview
 - 1. Safety guidelines consistent with all training given by the Department. These guidelines ensure that all personnel are aware of potential hazardous situations and how to avoid them
 - 2. Discuss Safety Guidelines for Simulator Training
 - 3. Anyone participating in the training, (student, observer, or instructor), has the authority to “STOP” the exercise if they observe an unsafe act or condition that may cause imminent injury or death and/or damage to the facilities

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4. Students shall immediately notify an instructor or the training staff of any injury sustained during training, and use the following steps in the event of a serious injury
 - a. Render first aid and obtain appropriate medical assistance
 - b. Instructor will contact Dispatch and request paramedics
 - c. The supervisor will ensure that the necessary workers compensation forms and reports are available / completed in a timely manner
 - d. Transport to the local hospital for a minor injury if prudent

II. LETHAL AND LESS LETHAL USE OF FORCE

(1.5 hours) I. h

- A. **PURPOSE:** In the city of Burlingame, officers are required to use force in various situations. It is important that officers not only use reasonable force based on the totality of the situation, but also be able to articulate that force used was objectively reasonable. Instructors will provide students with a review of Use of Force laws, force options, de-escalation techniques policy, procedures, and articulation in Objectively Reasonable Standards.

The student will utilize critical thinking to make a decision as to what level of force is used.

- B. LAW (Review of AB 392 Legal Update Video)
1. Federal Law
 - a. Title 18, USC Sec 242 and 1983 (Civil Rights)
 2. State Law
 - a. PC 835, Method of making arrest, amount of restraint
 - b. PC 835a, Use of objectively reasonable force to effect arrest, prevent escape or overcome resistance
 - c. PC 843, Arrest under warrant; force permissible, what force may be used.
 - d. PC 196, Justifiable homicide; public officers
 - e. PC 197, Justifiable homicide; any persons
 - f. PC 198, Justifiable homicide; sufficiency of fear

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- g. PC 198.5, Home protection; use of deadly force: Presumption of fear of death or great bodily injury
- 3. Case Law
 - a. **Tenn. vs Garner** (Deadly Force) *In order for peace officers to employ lethal force, they must consider:*
 - i. Life-threatening escape- “Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or others”
 - ii. Life-threatening felony – “if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction of serious bodily harm”
 - iii. Give warning where feasible – “the court imposes a constitutional requirement that some warning be given prior to the use of lethal force where feasible” “HALT, POLICE! Stop or I’ll shoot!”
 - iv. If necessary, to prevent escape – “in order for lethal force to be constitutionally permissible, there must be probable cause to believe that the use of lethal force is reasonably necessary”
 - b. **Graham vs Conner** (Reasonable Force) *The reasonableness of a particular use of force must be:*
 - i. Judged from the perspective of a reasonable officer
 - ii. Examined through the eyes of an officer on the scene at the time the force was applied
 - iii. Based on the facts and circumstances confronting the officer without regard to the officer’s underlying intent or motivation
 - iv. Based on the knowledge that the officer acted properly under the established law at the time
 - c. **Forrester vs San Diego** (Level of force used)
 - i. Officers do not necessarily need to use the least intrusive force
 - ii. Force must be reasonable and justified

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- iii. Example: Officers don't have to carry protesters, they can use pain compliance or other means to effect arrest
- d. **Bryan v. McPherson** (Use of TASER)
 - i. Set the standard for when an officer can use a Taser. Also classified the Taser as an intermediate or medium level of force and officers must give warning when feasible.

BURLINGAME PD POLICY AND PROCEDURES:

C. Force and Deadly Force

- 1. BPD Policy 300.1.1 defines Deadly Force and Force
 - a. **Deadly force** - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).
 - b. **Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.
- 2. BPD Policy 300.4 indicates a firearm may be used by an officer:
 - a. An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
 - b. An officer may use deadly force 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. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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Officers shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

- c. BPD Policy 309.1 – Guidelines for Electronic Controlled Weapons
- 3. Shooting at or from Moving Vehicles – BPD Policy 300.4.1
 - a. Is rarely effective
 - b. Should move out of the way
 - c. Used as a last resort 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.
 - d. Should not shoot at the vehicle to disable it.
- 4. Case Study (Video)
 - a. Case Study - McDonalds Video (or Related / Current Video)
 - 1. Single officer engages lone male, possibly U/I or 5150, inside restaurant. Male is shirtless, no shoes, and not responsive to officer’s commands.
 - 2. Numerous force options used without follow through.
- 5. Discussion: Discuss each case study
 - 1. Ask the students to identify force options used and their effectiveness
 - 2. Discuss options

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3. Pre-incident considerations
4. Legal considerations
5. Stress Inoculation
6. Pre-assaultive behavior
7. Human Performance
8. Action v. Reaction
9. Discuss department specific culture when handling similar calls for service
10. Ensure that the students are utilizing critical thinking in forming a response to the incident by asking the following questions
 - a. **ASK:** Why are you there? What is your Platform?
 - b. **ASK:** How Efficient are you during the incident?
Are you transitioning?
 - c. **ASK:** What are post-incident concerns
(Proficiency)?
11. Discuss: Possible consequences from decisions made.

D. Consequences of Excessive Force

1. Criminal and civil litigation
2. Department censure
3. Personal life

E. Post-Incident Considerations

1. Handcuff suspect
2. Medical response
 - a. Self-assessment
 - b. Suspect assessment
3. Public Safety statement
4. Secure the scene
 - a. Don't collect equipment unless officer safety need.
 - b. Photos

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- c. Witnesses
- 5. Notify supervisor
- 6. Report writing
 - a. Be detailed
 - b. Use quotes
- 7. Debrief
 - a. What went right/wrong
 - b. Address equipment effectiveness
 - c. Continue to train

III. FIREARM OVERVIEW

(30 mins) I. d,e,f

A. Four Firearm Safety Rules

- 1. All guns are always loaded
- 2. Never point your weapon at anything that you do not want to shoot
- 3. Keep your finger off the trigger until your sights are on the target and you intend to shoot
- 4. Be sure of your target and what is behind it

B. Drawing

- 1. 5 point presentation

C. Target Acquisition

- 1. Sight alignment
- 2. Front sight focus

D. Firing

- 1. Pressing the trigger to the rear
 - a. Slack
 - b. Smooth press
- 2. Trigger reset

E. Reloads

- 1. Tactical reload
- 2. Empty reload

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IV. FORCE OPTION SIMULATOR TRAINING ROTATIONS (1.5 hours) I. a, b, g, i, j

Purpose: The purpose of this activity is to put the students in a situation where they have to assess their legal standing, decide whether or not to use force and which force option(s) to use and what post-incident action they will take. Additionally, during debrief of the scenario, the instructor will discuss human performance elements with the students.

Procedures:

1. Each student will participate in two scenarios as the primary officer. The instructor will pick the scenarios.
- A. Scenario Execution
 1. Instructor will provide the student with an overview of the simulator weapons. The student will use their own duty belt **EMPTY OF ALL CONTENTS**. No live firearms, ammunition, knives, Taser, or OC Spray in the Simulator Training Room.
 2. The instructor can then choose scenarios from the system. Be sure to:
 - a. Explain how the scenario will start
 - b. Monitor the student's response to the scenario and adjust the scenario accordingly
 - c. At the conclusion of the scenario, say "INDEX" letting the student know the scenario is over
 - d. Debrief with the student and review:
 - a) What was their Platform
 - b) Why did they choose the force option(s)
 - c) What are post-incident considerations
 - d) Make sure the student verbalizes legal and policy considerations
 - e. Allow the student to lead the debrief
 - f. Ask for input from other students
 - g. Lastly, replay the scenario for the student

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- h. During scenario playback, identify human performance factors
- i. Discuss moral obligations/considerations

V. CLOSING

(20 mins)

- A. Encourage students to continue to train
 - 1. Tactics
 - 2. Firearms
 - 3. Defensive Tactics
 - 4. Stay up to date on legal and policy considerations
- B. De-escalation
 - 1. Verbal
 - 2. Transitioning through force options
- C. Discuss mental preparation