

# D.G.O. 5.01 (5.02) Rescinded

PERMISSIBLE CIRCUMSTANCES. An officer may discharge a firearm in any of the following circumstances:

- 1) In self defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
- 2) In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.



# D.G.O. 5.01 (5.02 Rescinded)

- 3) To apprehend a person when both of the following circumstances exist:
  1. The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; and
  2. The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.
- 4) To kill a dangerous animal posing an immediate threat.



# Engaging Threats in Moving Vehicles

## DGO 5.01

### Moving Vehicle.

An officer **shall not** discharge a firearm at the operator or occupant of moving vehicle **unless** the operator or occupant poses an immediate threat of death or serious bodily injury to the public or an officer by means other than the vehicle.

Officers **shall not** discharge a firearm from his or her moving vehicle.

Pg 13, 5.01 rev 12/21/16



# Force Options

- Uniform Presence
- Verbal
- Chemical Agents
- Hands/Control Holds
- Impact Weapons
- Less Lethal Force (ERIW)
- K-9
- **Carotid Restraint --- NO!**
- Lethal Force





# Tactical Overview

- Level of awareness
  - Pre-assaultive behaviors
  - Fatigue, preoccupation, injuries, medication, etc.
- Environmental awareness
- Familiarization of equipment





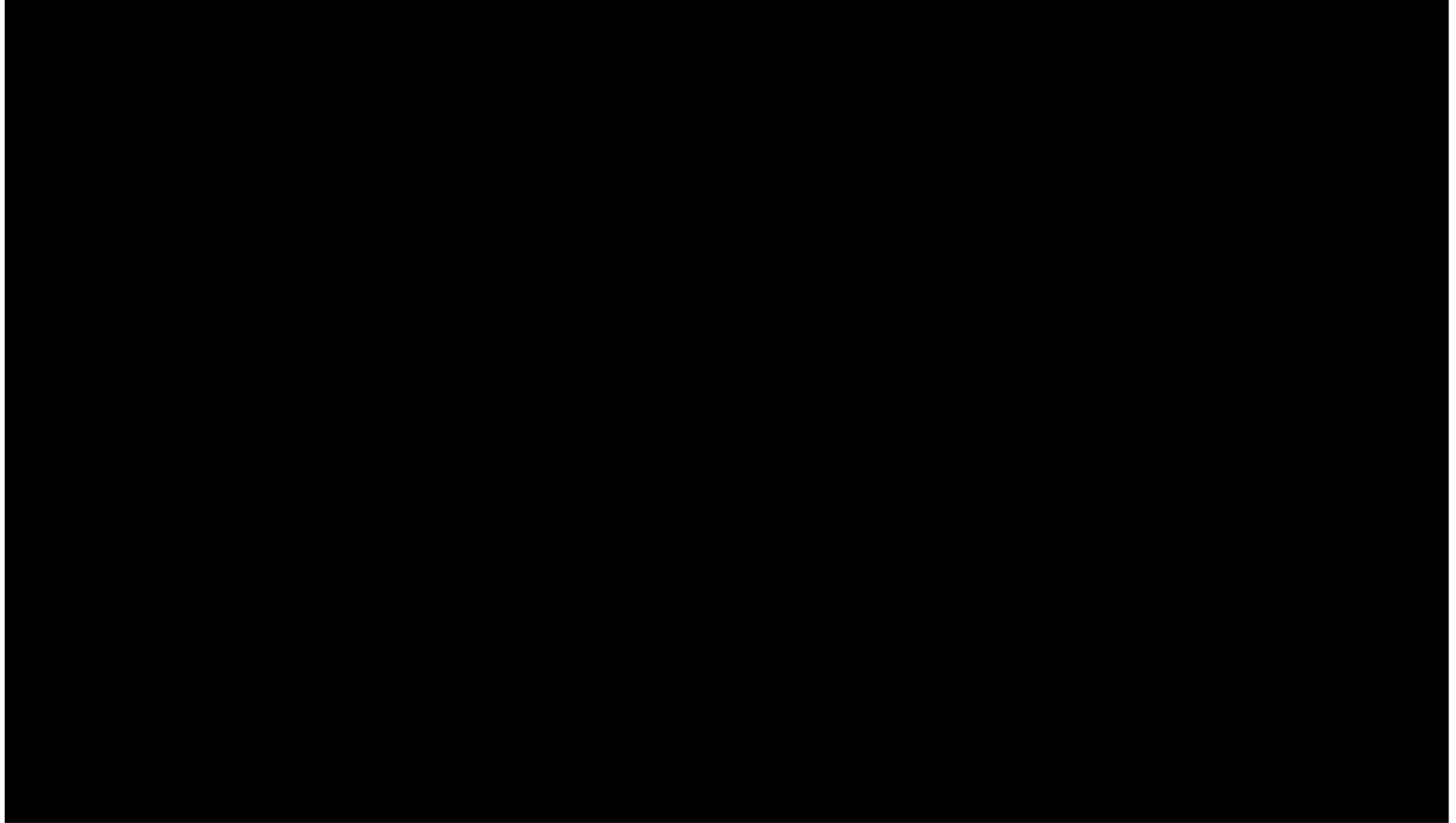
# Documenting a Use of Force Incident

- Nationally 99.58 % of all Use of Force by officers is **reasonable and justifiable**
  - International Associations of Chiefs of Police
- Law enforcement agencies are losing a disproportionate number of times in civil courts on cases that were believed to be reasonable and justifiable
- Most likely cause is **poor or improper documentation** of the incident



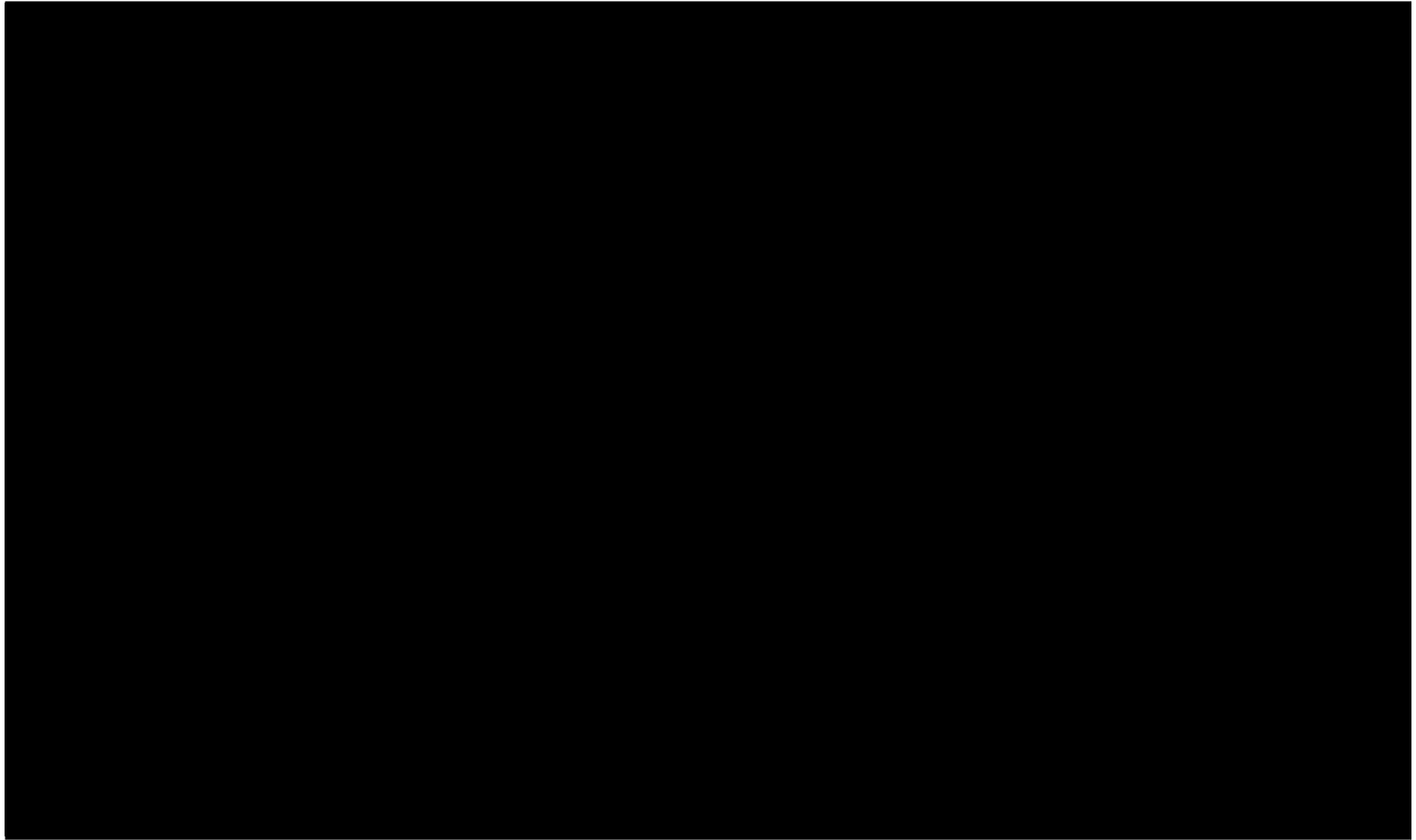
# Legal Update

People v. Bernal



# Legal Update

Hayes v. San Diego



# DB 15-106

## Force Options De-escalation Avoiding the “Lawful but Awful” Use of Force

- **Officers should consider all available options before acting.**
- **There are times when using quick, decisive force options are necessary to keep the public safe.**
  - Evaluating (subject and environment)

# Force Options De-escalation

- **Creating time, distance, cover and rapport**, (barricades, obstacles) will increase one's tactical advantage.
- This will have a direct effect on the use of force that may be needed to resolve the situation.
- Nothing in this Department Training is intended to make any officer, or the people we are sworn to protect, less safe.
- Officers are never required to retreat from effecting a lawful arrest, or detention, we are reminded to perform these duties with sound tactics and we have different options to increase our officer safety.

# DB 15-255

## Pointing of Firearms

- For clarification purposes the term "low-ready" for our Department members means pointing a firearm at the ground in front of the subject, **not** intentionally pointing at the subject.
- The 'low-ready' position helps an officer to avoid "tunnel vision" and enables them to scan, search, assess and re-assess the situation.
- (Finger off trigger, outside the trigger guard, against the frame.)



# “Tactical Considerations”

- ERIW/Lethal Cover Officer
  - 408 on Standby
    - (as needed)
  - Notify a Supervisor
    - CIT Officer
  - Additional Officers



# ERIW

- Need a lethal cover Officer
- 408 on standby (as needed)
- Make your presence known
- **“Red Light! Less Lethal! Less Lethal”**
- Lethal cover Officer Stays with ERIW until the scene is Code 4.



# Sympathetic Fire

- **Definition: Sympathetic Fire is when Officers fire their weapons based solely on the fact that other Officers have fired their weapons without personally recognizing or perceiving a deadly threat.**
- **Officers must personally perceive a deadly threat before firing their weapons and not make the decision to fire solely on the fact that other Officers have fired their weapons.**



# The “21-foot Concept”

- Things to remember when the “21 foot Concept” comes into play:
- It is only a specific distance when an Officer is holstered.
- Being within **21 feet of a knife is NOT** a green light to use deadly force.
- Officer must look at the totality of the circumstances.
- Consider: Distance, type of weapon, suspect characteristics, suspects intent, whether the suspect is an immediate threat to Officers or public.
- Implement: **De-escalation and Tactical re-positioning if feasible**. Attempt to place obstacles between you and the threat.

# Active Listening

Questions vs Commands:

“Why are you holding the bat? What can I do to get you to put it down?”

- Engage in dialogue as the situation allows and where **FEASIBLE!**
- Utilize CIT** if they are available.



# Communication

- Talk with Each Other!
- Figure out who is primary...DO NOT talk over each other.
- Figure out a plan, make sure everyone is on the same page.



# Cover, Cover, Cover!

- Creates Distance
- Allows time to assess the situation
  - Able to build a rapport safely
  - **WILL SAVE YOUR LIFE!!**



# Safety Brief

- Treat guns are always loaded
- Never allow muzzle to cover anything that you are not willing to destroy
- Keep finger off the trigger until you are ready to shoot
- Be sure of your target and background

