



Advanced Force Tactics, Inc.

Specialized Training Course

in the

Judgmental Use of Force

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Developed by Gary L. Griffiths, Director

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**PEACE OFFICER STANDARDS AND TRAINING
COURSE COVER SHEET**

COURSE:

POST IN-SERVICE TRAINING COURSE

LESSON TITLE:

Judgmental Use of Force

DURATION (HOURS):

Two (2) hours

TRAINEE LEVEL:

Peace Officer

PREPARED BY:

Advanced Force Tactics, Inc.
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METHOD OF PRESENTATION:

Lecture Method, Demonstration,
Individual Practical Exercise

INSTRUCTOR: Gary L. Griffiths

TERMINAL LEARNING OBJECTIVE:

The officer will demonstrate tactics designed to control violent confrontations, and use deadly force properly in accordance with State and Federal Law and policy.

INTERMEDIATE OBJECTIVE(S):

Assessment of the intermediate objectives will be by means of a graded individual practical exercise.

- A. The officer will identify the elements of a threat.
- B. The officer will use effective verbal commands to control a violent confrontation.
- C. The officer will deploy his or her weapons when necessary to discourage aggressive actions.
- D. The officer will use cover effectively for self-defense and to discourage aggressive actions.
- E. The officer will use force properly in accordance with State law and policy.
- F. The officer will effectively justify the tactics he or she used to control a violent confrontation.

TRAINEE REFERENCE MATERIALS:

None.

INSTRUCTOR REFERENCE MATERIALS:

- 1. POST standards and state case law on the use of deadly force.
- 2. POST standards on the use of force continuum.
- 3. TENNESSEE v. GARNER, 471 U.S. 1 (1985)

TRAINING AIDS REQUIRED:

- 1. Red Gun
- 2. Service Pistol with holster and duty belt
- 3. SLIM multimedia use-of-force program
- 4. Range 2000 Use-Of-Force Simulator (AFT Supplied)
- 5. At least 10 non-branching or multi-hit zoned branching simulator scenarios (AFT Supplied)

LESSON TITLE: JUDGMENTAL SHOOTING — 2 HOURS

TERMINAL LEARNING OBJECTIVE: The officer will demonstrate tactics designed to control violent confrontations, and use force properly in accordance with State and Federal Law and policy.

LESSON PLAN & PRESENTATION	OBJECTIVES & INSTRUCTIONAL CUES
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I. Introduction

- A.** Using your weapon in the line of duty is the thing you will do least in your career, but it is the most important decision you will ever have to make. Err on one side, and you may be prosecuted for a criminal offense or be held liable for civil penalties that can ruin you and your family. Err on the other side, and you, your colleagues, or other innocent persons may be injured or killed.

- B.** You have learned the legal and tactical considerations necessary when deciding whether or not to use deadly force. But neither textbook learning in a classroom, nor tactical exercises on a firing range, can adequately prepare you for a sudden violent confrontation. Only an interactive judgmental shooting simulator can reinforce your training and give you experience at handling deadly force situations without exposing yourself or others to actual danger.

To avoid awkwardness in expression, the term, “he” is used throughout this lesson plan to refer to both male and female officers and offenders, although all of the material is equally applicable to both.

II. Simulator Training Preparation

- A.** Purpose.
 - 1. Prevent “Screen Shock.”
 - 2. Enhances training value of the simulator.
 - 3. Briefs you on how you need to react to learn the most.

- B.** How the judgmental shooting simulator works.
 - 1. Projects life-sized video scenarios of situations you may encounter as law enforcement officers.
 - 2. Records, by means of a laser insert in your weapon, exactly when you fired each shot, and where each shot hit.
 - 3. Provides feedback during the debriefing, showing what you were firing at, and where you hit for each shot fired.
 - 4. May change the outcome of scenarios based on when and where you shot, and the tactics you used to de-escalate the situation.

- C.** How to react during simulator training.

This section is a briefing on the judgmental shooting simulator, to be presented individually to officers just prior to the training.

1. Listen carefully to the briefing you will receive from the simulator “dispatcher” or from your instructor before each scenario. This will explain the situation you are about to encounter.
 2. Treat what happens on the screen as if it were really happening.
 - a. Talk to the characters on the screen. Use verbal commands.
 - b. Draw your weapons and deploy them just as you would if the situation were real.
 - c. Take cover as you would if the situation were real. Choose your cover based on the tactical situation and your personal preference. Remember, *no matter what you see on the screen, you always have cover available.*
 - d. Shoot if you would shoot in a real situation.
 - e. Continue reacting to the screen until the action stops. Remember, “It ain’t over ‘till it’s over!”
 3. If you see an officer on the screen, that is your partner, not you. You are always seeing what is on the screen.
 4. There will be no “surprise” threats developing behind you or off of the screen. If you pass a door, that area is cleared unless the view turns so that the doorway is again on the screen. Likewise, if a character leaves the screen, he or she will not suddenly jump back in and shoot at you.
 5. Don’t move forward towards the screen. If you need to advance, the view on the screen will advance just as if you were walking forward. Similarly, don’t “charge” the screen. You needn’t attempt to physically grapple with the characters.
 6. Don’t attempt to “second-guess” the scenario. You might not handle the situation the same way it was filmed. Some are deliberately filmed with tactical mistakes. We are evaluating your ability to handle the situation as it develops, not whether you would have gotten into the situation in the first place.
- D. Your actions during and after each scenario will be evaluated based on the following criteria:
1. Verbal Commands
 2. Threat Recognition
 3. Threat Response
 4. Use of Cover
 5. Weapon Handling
 6. Timing of Response
 7. Observation

8. Judgment
9. Application of Law and Policy
10. Marksmanship

III. Simulator Practical Exercise

- A. Prepare the officer's weapon by field stripping it, inserting the laser module into the barrel from the breach, then reassembling it.
 1. Double-check to ensure the weapon is unloaded and converted to laser fire before each training session!
 2. Ensure the officer doesn't have a live back-up weapon!
- B. Issue the officer laser OC, if OC training is to be included.
- C. Darken the room and calibrate the weapon.
- D. Run a scenario.
- E. Debrief the officer on the scenario.
 1. Ask why the officer shot (or didn't shoot) the character.
 - a. Did the officer think before speaking?
 - (1) Did the officer articulate the elements that justify use of deadly force, and apply them to the scenario?
 - (2) Did the officer avoid using equivocal language?
 - (3) Was the officer influenced by subsequent events? (Test by asking leading questions.)
 - (4) Was the officer completely truthful?
 - b. Did the officer make spontaneous res jecti statements.
 2. Ask follow-up questions based on officer responses.
- F. Critique the officer's answers and tactics in accordance with the following guidelines.
 1. **Verbal Commands**
 - a. Good commands inform the offender what you require him to do, and induce him to comply.
 - (1) Elements of good commands.
 - (a) Clear, concise, and use simple non-colloquial English.

This will be an individual graded practical exercise in which each officer will demonstrate knowledge of the intermediate objectives by applying them to simulated violent confrontations.

Ordinarily, the first scenario should be a "no shoot" scenario, and the next four chosen based on the skill level demonstrated by the officer during the first scenario.

I.O. (A) Given a debriefing after a simulated deadly force incident, the officer will justify his use or non-use of deadly force in compliance with legal guidelines on the use of deadly force.

Illustrate the dangers of common responses, e.g., "I thought he had a gun." or "He had something in his hand."

I.O. (B) Given a simulated deadly force situation, the officer will employ the verbal commands best suited to control the encounter.

- (b) Given in a firm, authoritarian “command” voice.
 - (c) Clearly articulated and audible.
- (2) These four basic commands allow you to control almost any violent confrontation with an armed offender.

(a) Police! Don’t Move!

- (1) *Always* identify yourself! Use “Police!” regardless of your agency, since “police” is universally understood and is similar to the English word in many languages.
- (2) Any movement the offender makes violates your command and increases the threat level.
- (3) “Stop!” and “Halt!” are both good commands, but both imply the offender may do something after he stops.

(b) Turn Around! (Don’t Turn Around!)

- (1) Get or keep the offender turned away from you.
- (2) When possible, move so you aren’t where the offender last saw you.

(c) Put Your Hands In The Air! (Put Your Hands Up!)

- (1) Allows you to clearly see the offender’s hands.
- (2) Instant evidence of compliance.
- (3) Non-threatening movement.
- (4) When clearing a building, modify this command to, “Police! Come out with your hands in the air!”

(d) Put The Weapon Down! (If weapon observed.)

- (1) Using the term, “weapon” means you don’t have to see and recognize exactly what the offender has.
 - (2) It lets everyone within earshot know that you consider it a weapon.
 - (3) Prevents accidental discharge of dropped firearm.
 - (a) You will be responsible for any damage the bullet does, because *you* gave the command!
 - (b) It may cause you to reflexively fire, and have to justify shooting an unarmed man in the back!
- (3) Repeat the command until the offender complies, then immediately issue another command, until the situation is

Some officers become tongue-tied trying to decide if the offender has a tire iron or a crowbar!

under control.

(a) If the offender is mentally challenged, or speaks English as a second language, he may be trying to comprehend the command. Another command may just confuse him. One other command — **Do It Now!** — may be used if the offender appears hesitant to obey.

(b) Don't give the offender time to think. Keep him reacting to your commands in order to maintain control of the situation.

b. Bad commands — may produce undesirable results.

(1) Taunting (Go ahead, punk — Make my day!) may, through rage or fear, precipitate the very reactions we seek to avoid. It also convinces witnesses the shooting was intentional and malicious.

(2) Profanity may enrage the offender being “dissed” and provoke him into reacting. Again, witnesses will react unfavorably.

(3) “Cute” commands may be confusing and are unprofessional. (You even blink and you'll die in the dark!)

c. Dangerous commands — greatly increase the risk to you or other officers, or that an innocent person will be shot.

(1) **Freeze!**

(a) Colloquial English — the literal meaning of the word isn't what we're trying to get across. Foreigners or people who speak English as a second language may not understand slang or colloquial English

(b) Use “Don't Move!” or “Stop!”

(2) **Show Me Your Hands! (Let Me See Your Hands!)**

(a) Imprecise: You must deal with the offender's interpretation of what you want.

(b) You may shoot an innocent civilian who turns towards you with a weapon in obedience to that command.

(c) The offender has the opportunity to swing a weapon towards you, and you won't know his intent.

(d) Use “Put Your Hands In The Air!”

(3) **Take Your Hands Out Of Your Pockets!**

(a) The dangers in this command are similar to “Show Me Your Hands!”

(b) If the suspect has gone into his pockets to draw a

Japanese exchange student Yoshi Hattori was shot and killed by a homeowner, partially because he didn't understand what “Freeze!” meant. .

Illustrate with example of officer responding to prowler call at night, who sees a figure sneaking across the yard. Using “Show Me Your Hands” may cause a homeowner to turn with a weapon.

weapon, you have given him permission to draw it!

(c) Have him turn away, then put his hands in the air.

2. Threat Recognition

a. There are three elements of a threat: Ability, Opportunity, and Jeopardy. All must be present for a threat to exist. Take away any one element, and there is no threat.

(1) **Ability:** To justify the use of deadly force, the offender must have the ability to cause death or serious bodily injury (generally defined as the breaking of bones).

(a) Weapon (gun, knife, or club).

(b) Overwhelming physical force.

(c) The ability must ordinarily be seen, but sometimes may be inferred, (offender makes a sudden, furtive, drawing motion).

(2) **Opportunity:** The offender must have the opportunity (proximity) to use the weapon or overwhelming force.

(a) Different weapons have different effective ranges.

(b) Reactionary gap.

(1) If an offender is within 21 feet of you with an edged or blunt-force weapon, he can hit you before you can draw and fire.

(2) If the offender is within 15 feet, even with your weapon aimed at him, he can hit you before you can stop him.

(3) **Jeopardy:** You, or an innocent third party, must be in jeopardy to complete the threat.

(a) Jeopardy exists when the offender intends to do harm.

(b) Intent may be inferred from the offender's behavior.

b. The threat must be imminent to justify the use of deadly force. Imminent means *right now!*

3. Threat Response

a. Move to cover as appropriate.

b. Use the appropriate level of force.

4. Use of Cover

a. When to use cover.

I.O. (C) Given a simulated deadly force incident, the officer will justify his actions by articulating whether all three elements of a threat existed.

I.O. (D) Given a simulated deadly force situation, the

- (1) Move towards cover the instant you become aware of a potential threat.
 - (2) Don't appear fearful by obviously taking cover when the threat level is low.
- b. Using cover effectively.
- (1) Don't crowd your cover. The muzzle should be at least six inches to a foot behind the cover.
 - (a) Allows you to quickly turn to face a threat on the weak side.
 - (b) Allows you to get deeper behind cover, and prevents incoming fire from skipping off the surface of your cover and being deflected into you.
 - (c) Prevents an unseen offender on the other side of your cover (doorway) from grabbing your weapon.
 - (2) Get solidly behind cover, using the Isosceles stance, then lean from the waist, angling the weapon around the cover (sights at 1:30 or 10:30 position).
 - (a) Exposes little more than the muzzle of your weapon and your shooting eye.
 - (b) Equally effective from the weak side of cover. The weapon remains in your strong hand.
 - (2) Effective use of cover depends on the type of weapon you are facing.
 - (a) Against a firearm, make yourself as small a target as possible. If using low cover (mailbox) get down behind it and shoot around to the side of it. Don't expose your head and upper thoracic cavity by shooting over the top of cover.
 - (b) Against an edged weapon or blunt force weapon, remain mobile. Use low cover as an obstacle to break up the offenders attack pattern and delay him.

officer will use cover to effectively protect himself from a deadly weapon and discourage aggressive behavior.

5. Weapon Handling

- a. Although departmental policies vary, generally, you should draw your weapon in any situation where you are, or are likely to be, faced with deadly force. "When in doubt, whip it out!" Drawing the weapon serves two purposes:
 - (1) It protects you by enabling you to shoot much more quickly and accurately.
 - (2) It deters aggression by the offender.
- b. There are basically only four positions your weapon should be

I.O. (E) Given a simulated deadly force situation, the officer will draw the appropriate weapon and use it proportionate to the threat level to deter or terminate violence.

in. Which position you choose should be based on the threat level.

- (1) Secured in the holster.
- (2) In your hand, pointed at the ground, concealed beside or behind your leg.
 - (a) "Holster-Ready" isn't. You are not significantly faster drawing your weapon with your hand on it than you are drawing from a relaxed position with your hand down by your side.
 - (b) You will be perceived as less aggressive with your arm down by your side, not "cocked" on your weapon.
- (3) At "Low Ready" pointed towards the ground about half way between yourself and the offender. Do not use the "Sabrina" position (Gun pointed in the air).
 - (a) The weapon will be less noticeable to the public held low.
 - (b) A premature discharge will not blind or deafen you.
 - (c) You can shoot more quickly and accurately coming up with the weapon.
- (4) Aimed directly at the offender.
 - (a) Finger off trigger until ready to shoot!
 - (b) Look over the sights — keep your attention focused on the offender(s).

6. Timing of Response

- a. Respond quickly.
 - (1) Deter further aggression.
 - (2) Protect yourself.
- b. Shooting first isn't essential, if you have used good tactics in time.

7. Observation

- a. During the debriefing, quiz the officer on such things as:
 - (1) The description of a witness or bystander.
 - (2) What words the offender used.
 - (3) The description of a vehicle or building in the scene.
 - (4) The weather conditions at the scene.

Point out how life imitates art. Movie actors always hold their weapons by their faces, so the camera can get a nice tight shot of the actor's face with the gun in it for drama.

- b. Ask leading questions to see if the officer's recollection is influenced by them.

8. Judgment

- a. You are responsible for every bullet you fire.
 - (1) Hold your fire if innocent bystanders are directly in the line of fire.
 - (2) Try to maneuver to a position where bystanders aren't threatened.
- b. You are also responsible for the public safety.
 - (1) If he sees you, the offender is likely to shoot at you to effect his escape. There may be innocent bystanders behind you, as well.
 - (2) Criminals bent on escaping may perceive threats and shoot at bystanders, or shoot merely to cause confusion.
 - (3) Armed offenders are likely to take hostages or commit further violent crimes (carjacking) to affect their escape.

9. Application of Law and Policy

- a. Legally, you are never *required* to use deadly force.
- b. Deadly force may be used only as a last resort:
 - (1) To protect you or an innocent third person from death or serious bodily injury (State Statutes).
 - (2) To prevent the escape of a fleeing dangerous felon (Tennessee V. Garner).

10. Shooting tactics.

- a. Shoot to stop.
 - (1) Pelvic girdle hits.
 - (2) Chest hits (Center of Body Mass).
 - (3) Head shots.
- b. Shoot until it stops.
 - (1) Observe your offender throughout the engagement.
 - (2) Don't just fire one or two shots and wait to see what happens.
 - (3) Don't stop firing unless the offender drops his weapon,

I.O. (F) Given a simulated deadly force situation, the officer will use his firearm to stop violent aggression in accordance with State and Federal law and policy.

Emphasize that if an officer hits an innocent bystander, the knee-jerk reaction is to say he used poor judgment. The public seldom thinks about the consequences of not shooting.

How many shots are enough?

(As many as it takes to stop the threat.)

or lowers it to the point that it is no longer an imminent threat.

- c. Stop shooting immediately when the threat ceases.
 - (1) Don't turn a justifiable shoot into a grand jury indictment for excessive force.
 - (2) Conserve your ammunition. "It ain't over 'till it's over!"
- d. Maintain your cover.
 - (1) Don't leave cover until the offender is secured.
 - (2) If possible, have a backup officer secure the offender and his weapon.

F. Evaluate the officer's performance on each of the ten criteria, using the score sheet attached to this lesson plan. Scoring may be either letter grade or numeric.

- 1. Letter grades may be assigned based on a standard of (P)oor, (F)air, (G)ood, or (E)xcellent. If additional scoring latitude is desired, + or - may be added to these letter grades.
- 2. Numeric grades may be assigned, from 0 to 10. The approximate equivalent to the letter grades are: P = 0, P+ = 1, F- = 2, F = 3, F+ = 4, G- = 5, G = 6, G+ = 7, E- = 8, E = 9, E+ = 10.
- 3. Categories which may not be applicable to the scenario (e.g., "Marksmanship" in a no-shoot scenario) should be marked "NA."
- 4. If the officer uses OC Spray or Baton, "OC" or "Baton" should be written in the "Number of Shots Fired" block.

G. Repeat procedures C through F until the officer has completed five scenarios.

H. Retrieve the laser insert and reassemble the officer's weapon.

I. Repeat procedures A through H for each officer undergoing training.

IV. Judgmental Shooting Multimedia Training

A. The officer will be furnished a computer workstation with the Shooting Liability Incident Management program running. He will then be allowed 90 minutes to train with the program, allocated as follows:

- 5. Read case law and legal commentary on use of deadly force, and on **Tennessee v. Garner** (Approximately 30 minutes).
- 6. Complete the written examination (Approximately 10 minutes).
- 7. Go through up to 100 short shoot/don't shoot scenarios, applying the principles learned in the reading (Approximately 60 minutes).

Three workstations will be necessary, with officers rotating through them at 30-minute intervals, so that the officers will complete two hours of training every half hour. This is self-paced training, so times are approximate.

B. After completion of the multimedia training, the officer will return to duty.

///// End of Lesson Plan /////