

MONTCLAIR POLICE DEPARTMENT
Force Option Simulator PSP Category 1
Extended Course Outline
21625
4 hour PSP

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). Departments guiding value when using force shall be reverence for human life. Our mandate is to do so with honor and integrity while at all times conducting ourselves with the highest ethical standards to maintain public confidence.

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.*
- Understand the use of de-escalation Techniques.*
- The Departments guiding value when using force shall be reverence for human life

I. FORCE OPTION SIMULATOR (FOS) COURSE OVERVIEW

(10 mins)

A. Introduction

1. Instructors
2. Students
 - a. Name
 - b. Assignment
 - c. Experience
3. Distribute and complete POST roster

B. Overview of the purpose for FOS course

1. Provide a refresher regarding de-escalation techniques; and various force options, articulation of policy/law, and force options
2. To maintain consistency of training throughout the Department

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C. Overview of training schedule

1. Provide handouts and safety information
2. Review of the UOF Policy, de-escalation techniques and objectively reasonable standards
3. Practical application will be demonstrated
4. Perishable Skills Training will be received
5. Qualification Requirements will be met by completion of this course.

D. **DISTRIBUTE:** Materials provided for reference – Use of Force: **(PSP 1 h)**

Policy No.	Subsection	Subject
300	300.1.1	Definitions
300	300.3	Use of Force
300	300.3.2	Factors to determine reasonableness
300	300.4.1	Shooting at or from a moving vehicle
300	300.5	Reporting the use of force
302	302.4	Use of force review
308	308.5	Baton
308	308.7	Oleoresin Capsicum
308	308.9	Beanbag Shotgun
309	309.5	Electronic Control Device
312	312.5	Warning shots

E. Safety overview

(PSP 1 c)

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. **DISTRIBUTE** and 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
4. The “shoot back” accessory if used during this training. – Proper safety equipment shall be worn when the “shoot back” accessory is utilized.
5. 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. Notify the dispatch to call the fire department (ext 790). Give specific direction to the training location

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- c. In case of a serious injury, notify the Watch Commander as soon as possible.
- d. In the Force Options Simulator Room, there is a notebook containing the safety plan that is in place.¹
- e. The supervisor will ensure that the necessary workers compensation forms and reports are available / completed in a timely manner
- f. Transport to the local hospital for a minor injury if prudent

II. LAW

(20 Mins)

A. Case Law

1. Tennessee v. Garner (Deadly Force)

- a. 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...”
- b. Life-threatening felony – “..if the suspect threatens the officer with a weapon or there is a probable cause to believe that he has committed a crime involving the infliction of serious bodily harm...”
- c. 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!”
- d. 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...”

2. Graham v. Conner (Reasonable Force)

- a. Judge from the perspective of reasonable officer
- b. Examined through the eyes of an officer on the scene at the time the force was applied
- c. Based on the facts and circumstances confronting the officer without regard to the officer’s underlying intent or motivation
- d. Based on the knowledge that the officer acted properly under the established law at the time

3. Long Beach v. Long Beach POA

- a. Department policy can be more restrictive then state/federal law.
 - 1) Shooting met Penal Code requirements
 - 2) Long Beach Chief of Police fired the officer

4. Forrester v. San Diego (Level of force used)

¹ Training Division Safety Police, August 2018.

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- a. Officers do not necessarily need to use the least intrusive force.
- b. Force must be reasonable and justified
 - 1) Example: Officers don't have to carry protesters, they can use pain compliance or other means to effect arrest

5. Forrett v. Richardson

- a. Clarified Tennessee v. Garner
- b. It is not necessary that the suspect be armed or threatened an officer with a weapon
- c. Deadly force may be used to prevent the escape of an individual when the officer has:
 - 1) "probable cause to believe that the infliction or threatened infliction of serious harm is involved"
- d. "Officers are not required to exhaust every alternative before using justifiable deadly force"

B. Federal / State Law

- 1. Title 18, USC Sec 242 (Criminal)
 - a. Assault under the color of authority
- 2. Title 42, USC Sec 1983 (Civil)
- 3. PC 835, Method of making arrest, amount of restraint
- 4. PC 835a, Use of reasonable force to effect arrest, prevents escape or overcome resistance.
- 5. PC 843, Arrest under warrant; force permissible, what force may be used
- 6. PC 196, Justifiable homicide; public officers
- 7. PC 197, Justifiable homicide; any persons
- 8. PC 198, Justifiable homicide; sufficiency of fear
- 9. PC 198.5, Home protection; use of deadly force: presumption of fear of death or great bodily injury

III. LETHAL AND LESS LETHAL USE OF FORCE

(30 Mins)

A. LEARNING ACTIVITY: Case Scenarios

(PSP 1 a,b,h,i,k)

PURPOSE: In the city of Montclair, 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 circumstances², but also be able to articulate that force within Objectively Reasonable Standards, and Use of Force Policy. This activity will provide students with a

² *Graham v. Connor*, 490 U.S. 386 (1989)

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review of Use of Force laws, force options, de-escalation techniques, 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.

PROCEDURES: Small group activity followed by large group discussion

1. Break the class into group
2. **DISTRIBUTE:** the case scenarios to the groups
3. Each group will get a case scenario to work on
4. There are eight potential case studies but not every scenario will be used during each class.
 - a. **INSTRUCTOR NOTE:** (i.e. If there are three groups of students, only three scenarios will be used)
5. The Scenarios are:
 - a. **DOMESTIC VIOLENCE** :Where the suspect refuses to go to jail by stating, "You're not taking me to jail!" No weapon is seen. Clinched fist, fighting stance.
 - b. **GANG MEMBER** : While in a known gang area, in the rear of a location appears to be under the influence. He is naked and spraying himself with a hose. He has a blank stare and is high stepping back and forth. He is 6 feet tall, 220 pounds and there are many potential weapons on the ground in the area.
 - c. **A SERIAL RAPIST/MURDERER:** The suspect has been identified, and a description and photo have been given to patrol officers. Officers observe a male matching the description following a woman. Officers tell the suspect to stop, and he runs. No airship is available, no other units have arrived. As the officers pursue they become exhausted. They are losing ground with the suspect. Believing the suspect is about to escape, the officer fires three rounds at the suspect striking him in the back. The suspect falls to the ground and is taken into custody.(ensure debrief includes fleeing felon considerations)
 - d. **ROBBERY** : Two officers approach a convenience store and see a vehicle pull up quickly and stop directly in front of the entrance. The male passenger jumps out of the car and runs into the store while the driver (male) waits in the car with the engine running. A few seconds later, the passenger runs out of the store and jumps into the vehicle, which then speeds out of the parking lot. Officers follow and stop the vehicle. The vehicle pulls over and the passenger exits the vehicle. The passenger approaches the officers caring a glass bottle and is behaving erratically. He is ordered to drop the bottle but he does not. He continues to approach, babbling nonsense.

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- e. **FELONY WANTED VEHICLE:** While in a known gang neighborhood, an officer observes a white vehicle with a driver and passenger. A check of the license plate returns as armed and dangerous, taken during a carjacking. The vehicle is pulled over and the passenger exits the vehicle and begins to run. A gun is seen in the rear waistband of the passenger. The driver officer (a probationer) exits door of his patrol vehicle, un-holsters his pistol, and begins to chase the passenger on foot. The training officer,(passenger), follows his partner. As he passes the suspect's vehicle, he observes the driver still sitting in the driver's seat with his hands on the steering wheel. (Debrief to include passing un-cleared vehicles)
 - f. **GANG PARTY:** Units are assigned to watch a gang party after several retaliation shootings have occurred. The senior officer for the unit puts together a tactical plan but does not complete an operations plan believing it is not needed. While watching the house, a shooting occurs with several shooters and victims. As the officer's approach, they hear additional shooting from another direction. As the suspects flee, one points a handgun at an officer. The officer fires at the suspect.
 - g. **POSSIBLE MENTALLY ILL PERSON:** Officers are on patrol when a citizen flag down, telling the officers that around the corner there is a female described to have a mental illness. Officers observe the woman, wearing a bra and underwear, and with what appears to be blood on her hands. She is just standing with her head facing up and her eyes closed. Officers see glass on the sidewalk and several businesses have broken windows.
 - h. **BURGLARY:** Officers respond to a 30-minute-old burglar alarm call and there are signs of forced entry. As they search the building, a suspect is encountered. A struggle ensues as the suspect attempts to grab the gun of an officer. As the suspect flees, two additional officers enter the building and upon observing a shiny object in his hand, shoot the suspect.
6. Discussion: Discuss each case scenario utilized
- a. The groups will discuss the case scenarios, followed by a class discussion
 - b. During and after the student's complete discussions, ensure to reinforce the key learning points (See Section 'B' below for key learning points)
 - c. Utilize the "Montclair Police Department Policy Manuel 2013"³ have the student refer to the policy section that reinforces the case scenario
 - d. Ensure that the students are utilizing critical thinking in forming a response to the incident by asking the following questions
 - 1) **ASK:** What levels of force may be utilized?

³ Montclair Police Department Manual 2013, Section 300

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- 2) **ASK:** Why they chose to use that level of force
 - a) **ASK:** Why the force option is the best?
 - b) **ASK:** Were de-escalation technique utilized (P.A.T.R.O.L.)
 - (1) Planning
 - (2) Access
 - (3) Time
 - (4) Redeployment/ and or containment
 - (5) Other resources
 - (6) Lines of Communication
 - e. **ASK:** What alternative options were available, and how they differ in results
 - f. Discuss: Possible consequences from decisions made
- 7. **DISCUSSION:** Department policy maybe more restrictive than the State Law, and Federal Law. "Do officers have to follow only State Law, Federal Law, or Department policy, and why would Department policy be more restrictive?"
 - a. The Department has based policy on past incidents
 - b. Department policy can be more restrictive⁴

B. Case Scenarios Debrief:

INSTRUCTOR NOTE: These are key learning points for the above scenarios. As the discussion to the scenarios are presented, the below topics should be addressed or posed the question to students regarding how it may apply to their scenario

- 1. Drawing and exhibiting your duty weapon based on case law **(PSP 1 h,i)**
 - a. When is a weapon considered drawn?
 - 1) "Officer's decision to draw or exhibit firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified."
 - 2) A weapon maybe considered drawn when the weapon clears holster.
- 2. Consequences of an out of policy⁵ "Use of Force": will consist of
 - a. Retraining
 - b. Warning
 - c. Reprimand
 - d. Suspension
 - e. Termination
- 3. Justification for Use of Force: **(PSP 1 h,i)**
 - a. Defend themselves

⁴ Long Beach v. Long Beach POA, 61 Cal. App. 3d 364

⁵ MOU between The City of Montclair and the MPOA July 2017 - June 2019, Article 31 Disciplinary Action

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- b. Defend others
- c. Effect the arrest or detention
- d. Prevent escape
- e. Overcome resistance

4. Discuss two acronyms that apply to Deadly Force application? **(PSP 1 h,i,j)**

Note: These acronyms provide guidance for an officer regarding Moral obligation / Ethical decisions, and utilizing the training and experience of the officer

- a. **BALKS** (**B**ackground, **A**ge, **L**ast Resort, **K**nowledge known to the officer at the time, and **S**eriousness of the Crime):

- 1) **B**ackground

- a) What is behind or in front of the suspect?
- b) What considerations may be taken into account based on the background?

- 2) **A**ge – What considerations are there regarding the suspects age?

- a) Ability to apply the deadly force
- b) Consciousness of action

- 3) **L**ast Resort

- a) Are there other force options available?
- b) Could you request other resources?

- 4) **K**nowledge

- a) What is known/ believed by the officer at that moment in time
- b) What crime is the suspect wanted?

- 5) **S**eriousness of the crime

- 6) **INSTRUCTOR NOTE:** Remind that BALKS is an acronym to help remember the deadly force policy as it applies to Fleeing Felon specifically, but can apply to other shooting decisions. **BALKS can be overridden by an Immediate Defense of Life situation**

- b. **IDOL** **I**mmEDIATE **D**efense **O**f **L**ife: **(PSP 1 h)**

- 1) Self or
- 2) Other human life

5. Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer at the time the officer decides to use deadly force **(PSP 1 h,i,j)**

- a. Review the Use of Force Policy in its entirety – Montclair Police Use of Force Policy Section 300
- b. Reasonable defined
 - 1) Graham vs. Conner, 490 U.S. 368 (1989).

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- 2) "Objective Reasonableness" – "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight"
 - c. Discuss the need for articulation based on your actions
 - 1) Importance for the Legal/Departmental outcome of the investigation.
 - 2) You Need to be able to explain why you took the action that you did in a clear, concise and chronological order
6. Use of Force Review Board⁶
- a. Conducts administrative reviews
 - b. Force used is within or a violation of department policy
 - c. The board can not recommend discipline
7. Self-assessment after a deadly force incident
- a. Was it reasonable based on the law and Department Policy
 - b. Based on the facts known or perceived at the time, by the officer
 - c. Was the choice you made a last resort
8. Discuss: **Shoot to stop the threat versus Shoot to kill:** (PSP h,j)
- a. Training to shoot at the largest area for greater success
 - b. Shoot the area of opportunity
 - 1) Purpose is to stop the suspect's action (the threat)
 - 2) Sometimes a shot to a vital area does not mean the suspects actions will stop:
 - 3) People have been shot in the head and can continue their action
9. GROUP DISCUSSION:
- PURPOSE: This discussion is to have the students critically think through their decisions to shoot.
- a. An officer may NOT fire at a violent fleeing felon if the officer has doubts that the suspect is in the fact the person wanted a life endangering crime (PSP 1 h)
 - b. When in doubt **Do Not** shoot!
 - c. **ASK:** Could you shoot or would you shoot? (PSP 1 h,i,j)
 - 1) Just because you legally can shoot, should you shoot?
 - 2) Discuss situation of multiple officers (8 or more) at scene with guns drawn. If the suspect points a weapon at one officer, all officers CAN be justified to shoot. **HOWEVER, SHOULD THEY ALL SHOOT?**
 - 3) What are the perceived consequences?
 - d. Example: Burglary in progress. Upon arrival, officers observe an elderly man in a wheelchair in the yard of a house with a shotgun. One officer recognizes the man

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as the residence and calls out "hello Mr. Jones." When Mr. Jones turns, the shotgun points towards officers. **SHOULD THE OFFICER SHOOT?**

- 1) Why?
 - 2) Why not?
- e. Discuss warning shot⁷ **(PSP 1 h,i,j)**
- f. Policy 312.5 - Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.
- 1) When can we use a warning shot?
 - a) Eminent danger
 - 2) Location a warning shot should be fired.
 - a) A safe direction / area
 - b) Soft ground
 - c) Straight up into the air
 - d) Maximum velocity then tumbles 1/5 the speed.
- g. A Warning Shot is considered Deadly Force
10. What is the Montclair Police Policy on Shooting at or from moving vehicles?
- a. Discuss: Policy Manual Section 300.4.1⁸ **(PSP 1 h,i)**
- 1) Bullets fired at moving vehicles are extremely unlikely to stop or disable the moving vehicle.
 - 2) Bullets fired may miss the intended target or ricochet and cause injury to officers or other innocent persons.
 - 3) The vehicle may crash and cause injury to officers or other innocent persons if the bullets disable the operator.
 - 4) Moving over, repositioning and /or waiting for additional responding units to gain and maintain a superior tactical advantage maximizes officer and public safety and minimizes the necessity for using deadly force.
 - 5) Shooting accurately from a moving vehicle is extremely difficult and therefore unlikely to successfully stop or prevent a threat to the officer or other innocent persons.
- b. There are times when it is justified and time when it is not justified
- c. Officers must be able to **articulate** their actions

C. Closing: Reinforce the key learning points

1. Drawing and exhibiting your weapon: Officers must reasonably believe that the situation could escalate to where deadly force would be justified

⁶ Montclair Police Department Manual 2013, Section 302.4

⁷ Montclair Police Department Manual 2013, Section 312.5

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2. Use of Deadly force when other force options are not reasonable
3. Clear understanding of force options and possessing the ability to clearly articulate what option was used and why
4. Force shall be based on the individual's action. NOT solely on what type of weapon they have. (It is what the suspect does with the weapon, not what the weapon is.)

III. FIREARM OVERVIEW

(15 Mins)

A. GROUP DISCUSSION: The Four Basic Firearm Safety Rules and Sequence of Marksmanship

Purpose: To review the Basic Safety Rules as they apply to the range in the field, and at home. Review Sequence of Marksmanship for accuracy

Procedures: Large group discussion

1. Discuss and review Basic Firearm Safety Rules **(PSP 1 a,c)**
 - a. Treat all guns are always loaded
 - b. Never allow the muzzle to cover anything you are not willing to shoot, kill or destroy
 - c. Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot
 - d. Be sure of your target, backstop, and beyond
2. **STRESS:** These rules apply to tactical situations and exercises such as unintentionally covering of an officer during building searches and car stops
3. Reinforce that the range safety rules apply at the range, in the field and at home
4. Review the Sequence of Marksmanship **(PSP 1 d,e,f)**
 - a. Grip: two aspects or components
 - 1) The proper placement of both hands on the pistol
 - 2) Tang of the gun in the web of the hand
 - 3) Support hand overlap thumb on thumb
 - 4) Then wrap fingers over the fingers
 - 5) The amount of tension or pressure applied by the hands to the handgun
 - 6) Low-ready grip tension (40-50%)
 - 7) Firing grip tension (80-90%)
 - 8) Must acquire the proper grip tension on the pistol before firing and must maintain a consistent grip tension while firing
 - 9) A proper firing grip tension will promote the following:
 - a) Proper pistol functioning and reliability
 - b) Reduced group size on the target

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- c) Faster follow-up shots
- b. Trigger
 - 1) Finger placement
 - a) The trigger finger must be placed properly on the trigger
 - b) Pad of the index finger on the trigger
 - 2) Do not place finger into the trigger guard beyond the first joint
 - 3) The trigger finger should be placed on the trigger immediately after the decision to fire has been made and the weapon has initiated its movement onto the target
- c. Sight picture
 - 1) Properly aligned sights must be placed on the part of the target you intend to shoot
 - 2) Front sight centered into rear aperture with equal distance on both sides of the front sight and level across the top
 - 3) With eye focus being placed on the front sight
 - 4) Once a flash sight picture has been obtained, then the handgun can be accurately discharged
 - 5) It is imperative that one knows the weapon's workings and how to clear malfunctions

IV. FORCE OPTION SIMULATOR TRAINING ROTATIONS

(2 Hours 40 Mins)

A. FOS Rotations

Purpose: The purpose of this activity is to have each student act as a primary and or partner officer when confronted with a scenario. They are to use their training and experience, along with their knowledge of the laws regarding the use of force, and the force options, to complete the scenario. At the conclusion of the scenario, the primary (and then the secondary) officer will articulate their actions/inactions for the scenario and WHY they took the actions they did.

Procedures: Small Group Activity **(PSP 1 a,c)**

1. No live weapons, live ammo or Taser, OC spray allowed during training
2. Instructors will conduct a safety check to ensure all live weapons are secured outside of the training area
3. Instructors will conduct a safety check of the FOS guns to ensure that they are designed for the use in FOS only
4. Each team will consist of two officers (if available)
5. Each team will complete at minimum, four scenarios with each officer acting as primary officer and or partner

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6. All officers will respond and answer similar questions for their own action(s)
7. Shoot Back Capabilities:
 - a. The "shoot back" option is to provide officers with a physical understanding that there can be dire consequences to the choices that they make.
 - b. It allows the officer to have an additional sense added to the decision making process.
 - c. Additionally, it creates a higher level of stress during the scenario which can assist in a true-life situation.
 - d. Instructors are to ensure when utilizing the "shoot back" feature, it does not become a distraction to critical thinking scenarios.
 - e. All safety protocols are followed
8. Rotations:
 - a. Instructors will use facilitation techniques during rotation. Lecture can be used when debriefing the practical applications and **AFTER** the students have articulated their reasoning behind the actions they had taken.
 - b. Ensure the information being presented is consistent with current Department policy and procedures
 - c. When a student provides reasoning for their actions, be sure to question:
 - 1) Why they took that action?
 - 2) What was the conclusion you made?
 - 3) Did you utilize de-escalation techniques?
 - 4) What consequences could come from the actions taken?
 - 5) What alternatives did you have?
 - 6) What other perspectives can be interpreted by others
 - 7) Was the action objectively reasonable?
 - 8) Discussion on :
 - a) Federal Law
 - b) State Law
 - c) Department policy
 - d) Your own ethical decisions
 - e) IF NOT
 - (1) WHY NOT?
 - (2) What could you have done to make better decision?
 - d. Source documents have been footnoted throughout the lesson plan to provide for additional resources if the instructor deems it necessary during the preparation phase

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- e. Students should not be made aware of the impending scenarios. After the practical application of the scenario, students should be critiqued and ways to improve discussed.

B. PRACTICAL APPLICATION: FOS Rotation

(PSP 1 a,b,g)

Procedures: Small Group activity

1. Two students per team
2. Each team reports to the FOS room
3. Upon arriving at the training location ensure that the instructor reviews the specific FOS weapon system that is being used:
 - a. Weapon clearing **(PSP 1 f)**
 - b. Sight alignment **(PSP 1 d)**
 - c. Trigger control **(PSP 1 d)**
 - d. Accuracy **(PSP 1 d)**
 - e. Target recognition and analysis **(PSP 1 e)**
4. A specialty certified instructor will be assigned to each class
 - a. The participants will remain at the location and participate in the scenarios for the remainder of the training
 - b. Ensure at the conclusion of each scenario, reiterate the Use of Force Policy that applied and the objectively reasonable of the participant's actions
5. Advise the participants that EACH student will demonstrate primary and partner role.
6. At the conclusion of each scenario, debriefs will be conducted
 - a. The goal of the debrief is to provide personnel with an avenue to assess the tactical considerations that were unique to the specific scenario
 - b. The focus of each debrief will be tailored for the specific scenario based on the branching that occurred within that scenario
 - c. This assessment of tactics will provide the involved employees with an opportunity for development and will maximize their ability to perform at their full potential
 - d. It is okay to discuss the tactics that were used if tactical considerations are made reasonable and articulated in Objectively Reasonable Standards
 - 1) **Remember:** there are no absolutes in tactics.
 - e. Focus on learning by encouraging officer to give honest opinions reasons /actions behind decisions
 - f. The use of open-ended and leading question to facilitate the debriefs are encouraged. This will elicit the critical thinking to create growth in the students.
 - g. The facilitator does not tell the participants what was good or bad but allows them to reach the conclusion on their own, as a collective group

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- h. The debrief process will confirm expectations and highlight incremental improvements that can be made to reinforce best practices
 - i. One of the goals of the debrief questions are to encourage participants to identify areas for self-improvement and strength.
 - j. There are always weaknesses to improve on and strengths to enhance
 - k. Focus on key elements, themes and issues and promote the identification of options
 - 1) What was the threat?
 - 2) Why did you fire/not fire?
 - 3) Did you communicate?
 - a) With Dispatch
 - (1) Broadcast location?
 - (2) Ask for resources?
 - (a) Additional equipment
 - (b) Additional personnel
 - b) With your partner?
7. If observers are present, they will be asked to debrief the incident and provide insight from the perspective of an uninvolved officer and/or community member
8. After the pair of participants have completed the scenario:
 - a. Point out 1 (ONE) positive skill that the facilitator observed the primary officer perform:
 - 1) Communication
 - a) Discuss if effective communication was used
 - 2) Distance Time
 - a) Discuss if a tactically sound approach was used
 - b. **ASK** the participants:
 - 1) What were you thinking when you approached this situation?
 - 2) What did you do well?
 - 3) What could your partner have done differently that would have helped you respond better?
 - 4) In this scenario, what cultural issues played a role?
8. The student should use their own judgment to determine when to reload and what type of reload to utilize during the drill in order to keep their pistol loaded and capable of reacting to the next threat **(PSP 1 a)**
9. Each participant shall answer the following questions after completing their scenario as primary and as secondary **(PSP 1 e)**
 - a. When did you draw your weapon?

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- b. Why did you draw your weapon?
 - c. Why did you select the specific force option?
 - d. If you shot:
 - 1) What did you shoot?
 - 2) What made you believe there was a deadly threat?
 - 3) At what point, did you believe you had to shoot?
 - e. Articulate the actions / behavior of the individual in the situation
 - f. Articulate the actions / behavior of an officer in the situation
 - g. All articulation must be in "Objectively Reasonable Standards"
 - h. What were the tactical considerations?
 - i. What communication skills were utilized?
10. If the "shoot back" accessory was utilized:
- a. How did you feel when the shots were fired at you?
 - b. How did that change your decision making?
 - c. Did you utilize the cover available once the shooting began?
 - 1) Why not?
 - 2) What could you have done?
 - 3) Why do you think you did not do so?
 - d. Did you notify your partner you were hit?
 - e. Did your partner notify you?
 - f. If your partner was hit, did that change any of your actions?
 - 1) What?
 - 2) Why?
11. Additional debrief questions that may be used depending on the specific scenario
- a. What other tactics, resources and communication skills/considerations are there?
 - b. What other less lethal munitions were available to you? **(PSP 1 k)**
 - c. What notification/documentation considerations are there?
 - d. What other considerations are there to be in compliance with Montclair Police Department policy?
 - e. What tactical concerns should the officers have as they respond to the area (approach)?
 - f. Where does the situation fall within Objectively Reasonable Standards? And what alternative options are available?
 - g. What are the moral obligations and ethical dilemmas in this situation? **(PSP 1 j)**

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12. Upon completion of the scenario, remind students that it is equally important for them to know:
 - a. Proper and safe weapon manipulation
 - b. Marksmanship and target acquisition when shooting **(PSP 1 e)**
 - c. Proper decision making when shooting **(PSP 1 a)**
13. The participant will be evaluated on their ability to respond to the scenarios and provide accurate explanation as to the decisions they made and the action they took to resolve the scenarios
14. Provide opportunities for the participants to receive feedback from instructors
15. Be sure to summarize key points and clarify any questions or concerns from the previous scenario prior to moving on to the next scenario
 - a. **LINK THE DEFINED CONCLUSIONS TO FUTURE ACTION** - How will this help in the field
 - b. How can officers use this information/tactic to resolve future incidents
 - c. How will future responses differ
10. Rotate until EACH student has been the PRIMARY officer and secondary officer.
11. The instructor will need to ensure that during this teaching block each of the students has an opportunity to participate as a role player
 - a. At a minimum in 4 scenarios
 - b. One as primary, one as partner.
- 12. If necessary or requested, direct participants to the “Additional Resource Documentation for Topics” Handout. This document is for reference only.**

- V. **CLOSING: Reinforce Key Learning Points** **(5 min)**
- A. Understanding de-escalation techniques
 - B. Practicing perishable skills are vital to an officer's survival
 - C. Weapon manipulation, slow fire and tactical shooting skills need to be practiced on a regular basis to maintain proficiency
 - D. Officers need to be mentally prepared to react a direct attack and this includes the two points mentioned above as well as be in good physical condition
 - E. Having a clear understanding is imperative to ensure officer safety in the field, at home, in the courtroom, and in the administrative process
 1. An understanding of the liability associated with the use of deadly force.
 2. knowledge of the conditions under which force can be lawfully used by a peace officer

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3. knowledge of force options
4. the ability to make reasonable decisions on the level of force, justified by a given set of circumstances
5. An understanding of the concept of fear and anger management
6. An understanding of the basic concept of intervention to prevent unreasonable use of force
7. An understanding of the concept of reasonable force (Graham vs. Connor).
8. An understanding of the importance of initial and ongoing training in coping with high stress situations.

Course Hourly Distribution Schedule

Course: FORCE OPTION-SIMULATOR - 21065

Presenter: MONTCLAIR POLICE DEPARTMENT (6310)

POST Consultant Review

Current Attachment Status: No Change

Course Hourly Distribution Schedule Summary

Total Hours Per Course Presentation: 4

Total Number of Days of Class: 1

Days Per Week: 1

Instructors (selected on hourly/total): 2/2

View Hourly Distribution Schedule

Day 1

Start	End	Subject	Instructor
0800	0900	Intro, Lecture, and Class Discussion	VEST, DAVID (A33-P27) GRAZIANO, ANDREW (A50-H11)
0900	1000	Simulator familiarization	VEST, DAVID (A33-P27) GRAZIANO, ANDREW (A50-H11)
1000	1200	Scenarios and Final Discussion	VEST, DAVID (A33-P27) GRAZIANO, ANDREW (A50-H11)

MONTCLAIR POLICE DEPARTMENT
SAFETY GUIDELINES
Force Option Simulator 4hr. PSP

GENERAL TRAINING SAFETY POLICY

A. Training Policy

1. Training presented by the Montclair Police Department shall be conducted in compliance with State and Federal laws, Department Policy, and applicable POST Regulations.
2. Training will occur in a facility featuring ample lighting and room to accommodate the maximum number of students allotted for the course.
3. Ample restroom facilities will be made readily available for all instructors and students

B. Instructional Staff Qualifications / Responsibilities:

1. When required by POST, instructors shall have successfully completed a POST certified instructor course or its equivalent pertaining to the subject matter being taught.
2. When applicable, instructors shall wear distinctly marked uniforms or attire identifying them as an instructor or a member of this Department.
3. Only instructors designated on the instructor ECO or course documents submitted to POST shall provide instruction to students.
4. Instructors shall follow the expanded course outline and hourly distribution as filed with POST.
5. Instructors shall demonstrate an attitude of safety and exhibit a professional demeanor at all times.
6. Instructors shall review with the students the specific safety policy and any appropriate precautions inherent to the particular type of training being presented before the application phase of training begins.
7. Students shall be asked to identify any injuries or pre-existing medical restrictions that may affect their ability to safely participate in training
8. Students who are relieved from training as a result of an injury shall not be allowed to resume training without an appropriate medical release

9. Instructors shall ensure that a first aid and/or trauma kit is available for rapid deployment. The kit shall be maintained in the area training will be conducted.
10. Instructors shall ensure that communication devices (phones/handheld radios) are available and in proper working order to summon emergency medical personnel.
11. Instructors shall ensure firearms or other equipment are not allowed into a training course where their possession is prohibited.
12. Instructors shall ensure that students comply with this policy, range safety rules, and Department Policy. Students not members of the Montclair Police Department shall adhere to their own department policy as well.

C. Instructor-to-Student Ratios

1. Instructor-to-Student ratios have may have been identified for the specific training course being presented. Instructors shall comply with Instructor-to-Student ratios established in the specific training policy for the course being instructed.
 1. Classroom 1-8
 2. Simulator 1-2

D. Student Injuries

1. All injuries shall be reported immediately to a member of the instructional staff. A member of the instructional staff shall notify the Watch Commander as soon as practical.
2. Injuries to Montclair Police Department personnel requiring only minor first aid (scratches, abrasions, bruising) may be documented in the Department's exposure/injury log. Instructors shall attempt to determine the cause of the accident/injury, and take actions necessary to prevent future injuries of a similar nature. Students from outside agencies shall report injuries per their own departmental policies in addition to notifying Instructors of this course.
3. Injuries requiring emergency medical treatment or treatment at a medical facility shall be reported immediately to a member of the instructional staff and the Watch Commander. If necessary, EMS shall be summoned immediately by the most practical means available. Notifications can be made by Montclair Police Department handheld radio, cellular phone, dialing Extension #790 for Dispatch, or by calling 911. First aid treatment shall be administered immediately by instructional staff members or other qualified persons on scene. If transportation by ambulance is required, the destination treatment facility and transportation to the facility shall be determined and performed by the responding EMS professionals in accordance with their policy.
4. Montclair Police Department students suffering non-life threatening injuries requiring medical treatment shall be referred to a City approved treatment facility by the Watch Commander. The primary location for treatment of injuries not requiring

transportation by ambulance is *Pomona Valley Health Center of Claremont* located at 1601 Monte Vista Avenue at Claremont Blvd.

5. If necessary, the Watch Commander shall facilitate transportation of the injured Montclair Police Department employee to the treatment facility if not taken by ambulance. The injured party shall be provided with a **Workers' Compensation Claim Form (DWC-1)**.
6. Duty Command shall be notified as soon as practical in cases involving serious bodily injury or death. Duty-Command may assume investigative responsibility for the incident.
7. Incidents involving Montclair Police Department employees which do not involve great bodily injury or death shall be investigated by the Watch Commander. A *Supervisor's Report of Accident* form and an *Employer's Report of Occupational Injury or Illness* form (Form 5020) shall be completed. The *Supervisors Report of Accident* shall include a detailed summary of the incident, unsafe acts of the person(s) involved, unsafe conditions that caused or contributed to the event, and recommendations to prevent future incidents of a similar nature.
8. The *Supervisors Report of Accident* shall be forwarded to the Training Manager without unnecessary delay.
9. The Training Manager shall review the incident resulting in injury, and shall take appropriate corrective measure to prevent future incidents of a similar nature.
10. Students who are relieved from training as a result of an injury shall not be allowed to resume training without an appropriate medical release.
11. Injured personnel who are transported by ambulance will be taken to a location determined through their protocol and communication with local medical facilities. A list of local medical facilities is listed below. Injured personnel may be taken to any of the listed facilities, or any other facility, based on the nature of the injury and availability of medical staff.
12. In case of serious student injury, the POST Regional Manager shall be notified as soon as practical.

13. **Local Medical Facilities**

Montclair Hospital
5000 San Bernardino St.
Montclair, CA 91763
(909) 625-8307

Pomona Valley Medical Center
1798 N. Garey Ave.
Pomona, CA 91767
(909) 865-9611

Loma Linda University Medical Center
11234 Anderson Street
Loma Linda, CA 92354
(909) 796-0167

Chino Valley Hospital
5451 Walnut Ave.
Chino, CA 91710
(909) 627-6111

Arrowhead Regional Medical Center
400 N. Pepper
Colton, CA 92345
(909) 580-1400

POST FORCE OPTIONS SIMULATOR COURSE

SAFETY POLICY

I. Force Options Simulator

A. The Montclair Police Department Force Option Simulator consists of the following designated areas. All areas are distinctively marked:

1. **Force Options Simulator Hallway:** This is the reception area for the Force Options Simulator. This area is not to be used for the preparation, cleaning, loading, or servicing of firearms or Force Option Simulator Weapons.
2. **Force Options Simulator Lockers Area:** This area is to be utilized by students and instructors to secure all weapons. All weapons shall be immediately secured in the simulator locker upon entering the simulator room. Due to limited space, no more than three students should enter the Force Options Simulator Locker Area at any given time.
3. **Force Options Simulator Scenario Area:** This area includes the area students have to participate in the scenario. Students and instructors shall not cross the orange line into the Scenario Area with any weapons.
4. **Force Options Simulator Control Area:** This area is to be used by instructional staff only and shall not be entered without the authorization of an instructional staff member. A first aid/ trauma kit is located in the Simulator Control Area.
5. **Force Options Simulator Shoot Back Canon:** An air-powered device used to shoot foam projectiles at students.
6. **Force Options Simulator Restroom:** The simulator restroom may be used by students and Department members.

To prevent negligent discharges of firearms in the Scenario Area, personnel and students **shall not cross the orange line into the Force Options Simulator Scenario Area with operational firearms at any time.**

II. Instructional Staff Qualifications / Responsibilities:

- A. Instructors shall be Force Options Simulator Instructors, and shall have successfully completed a POST certified Force Options Simulator Instructor Course.
1. Particular to this course, Instructors should have experience teaching some, or all of the following courses, Firearms Instructor, Taser Instructor, Less Lethal Munitions

Instructor, Patrol Rifle Instructor, Arrest and Control instructor, and Weaponless Defense Instructor. Furthermore, Instructor shall have completed POST certified, or equivalent Instructor courses for their respective classes.

- B. Instructors shall wear distinctively marked Department approved Range Master Uniforms.
- C. Only instructors designated on the ECO or course documents submitted to POST shall provide instruction to students.
- D. Instructors shall follow the expanded course outline and hourly distribution as filed with POST.
- E. Instructors shall demonstrate an attitude of safety and exhibit a professional demeanor at all times.
- F. Instructors shall review specific safety rules and any appropriate precautions inherent to Force Options Simulator Training before the application phase of training begins.
- G. Students shall be asked to identify any injuries or pre-existing medical restrictions that may affect their ability to safely participate in training.
- H. Students who are relieved from training as a result of an injury shall not be allowed to resume training without an appropriate medical release.
- I. Instructors shall ensure that a first aid/ trauma kit is available for rapid deployment. The kit shall be maintained in the Force Options Simulator Control Area.
- J. Instructors shall ensure that communication devices (phones/ portable handheld radios) are available and in proper working order to summon emergency medical personnel.
- K. A firearms safety check shall be conducted after lunch breaks or other breaks in training. This will help to ensure that firearms are safe. Periodic safety checks throughout the training day may also be appropriate.
- L. Instructional staff members shall be certified in first aid and CPR.
- M. Instructors shall ensure that students comply with this policy, Force Options Simulator safety rules, and Department Policy. Non-employees of the Montclair Police Department shall adhere also to their own department policy.

IV. Student Injuries

- A. All injuries shall be reported immediately to a member of the instructional staff. A member of the instructional staff shall notify the Watch Commander as soon as practical.
- B. Injuries to Montclair Police Department personnel requiring only minor first aid (scratches, abrasions, bruising) may be documented in the Department's

exposure/injury log. Instructors shall attempt to determine the cause of the accident/injury, and take actions necessary to prevent future injuries of a similar nature. Students from outside agencies shall report injuries per their own departmental policies in addition to notifying Instructors of this course.

- C. Injuries requiring emergency medical treatment or treatment at a medical facility shall be reported immediately to a member of the instructional staff and the Watch Commander. If necessary, EMS shall be summoned immediately by the most practical means available. Notifications can be made by Montclair Police Department handheld radio, cellular phone, dialing Extension #790 on a Montclair Police Department landline phone for Dispatch, or by calling 911. First aid treatment shall be administered immediately by instructional staff members or other qualified persons on scene. If transportation by ambulance is required, the destination treatment facility and transportation to the facility shall be determined and performed by the responding EMS professionals in accordance with their policies.
- D. Montclair Police Department students suffering non-life threatening injuries who are not transported by ambulance shall be referred to a City approved treatment facility by the Watch Commander. The primary location for treatment of injuries not requiring transportation by ambulance is *Pomona Valley Health Center of Claremont* located at 1601 Monte Vista Avenue at Claremont Blvd.
- E. If necessary, the Watch Commander shall facilitate transportation of the injured Montclair Police Department employee to the treatment facility if not taken by ambulance. The injured party shall be provided with a **Workers' Compensation Claim Form (DWC-1)**.
- F. Duty Command shall be notified as soon as practical in cases involving serious bodily injury or death. Duty-Command may assume investigative responsibility for the incident.
- G. Incidents involving Montclair Police Department employees that do not involve great bodily injury or death shall be investigated by the Watch Commander. A *Supervisor's Report of Accident* form and an *Employer's Report of Occupational Injury or Illness* form (Form 5020) shall be completed. The *Supervisors Report of Accident* shall include a detailed summary of the incident, unsafe acts of the person(s) involved, unsafe conditions that caused or contributed to the event, and recommendations to prevent future incidents of a similar nature.
- H. The *Supervisors Report of Accident* shall be forwarded to the Training Manager without unnecessary delay.
- I. The Training Manager shall review the incident resulting in injury, and shall take appropriate corrective measure to prevent future incidents of a similar nature.
- J. Students who are relieved from training as a result of an injury shall not be allowed to resume training without an appropriate medical release.
- K. Injured personnel who are transported by ambulance will be taken to a location determined through their protocol and communication with local medical facilities. A list of local medical facilities is listed below. Injured personnel may be taken to any of

the listed facilities, or any other facility, based on the nature of the injury and availability of medical staff.

Local Medical Facilities

1. Montclair Hospital
5000 San Bernardino St.
Montclair, CA 91763
(909) 625-8307

2. Pomona Valley Medical Center
1798 N. Garey Ave.
Pomona, CA 91767
(909) 865-9611

3. Loma Linda University Medical Center
11234 Anderson Street
Loma Linda, CA 92354
(909) 796-0167

4. Chino Valley Hospital
5451 Walnut Ave.
Chino, CA 91710
(909) 627-6111

5. Arrowhead Regional Medical Center
400 N. Pepper
Colton, CA 92345
(909) 580-1400

V. Force Options Simulator Safety Policy

- A. Federal, state, and local firearm laws must be obeyed. Violation of any Force Options Simulator Safety Rules or Policy may result in the removal of the violator from the facility.

- B. All rules posted within the facility shall be obeyed. Read and understand all rules prior to utilizing the facility.

- C. Upon entering the Force Options Simulator Room, all operational firearms ***shall immediately*** be secured in the Force Option Simulator Firearms Locker.

- D. At no time ***shall*** operational firearms cross the orange line into the Scenario Area.

- E. Students shall not enter the Force Options Simulator Room, or handle any Force Options Simulator Weapons until directed to do so by a Force Options Simulator Instructor/s. The Force Options Simulator room door shall remain closed during an active course simulation.

- F. While in the Scenario Area, Force Option Simulator Weapons will only be loaded and unloaded at the direction of an instructional staff member with the muzzle pointed down-range, unless otherwise directed.
- G. Students engaged in simulations shall utilize Department approved eye protection. This includes observers.
- H. Force Option Simulator Instructors should not aim the air powered Shoot Back Canon above the student's chest. While not in immediate use, the Shoot Back Cannon should have the safety cover over the barrel.
- I. Commands issued by Force Options Simulator Instructor/s must be obeyed immediately and without question.
- J. All shooters must utilize proper personal safety equipment as required by Department policy and/or instructional staff.
- K. Unsafe conditions, defective equipment, and facility repair requests shall be reported immediately to an Instructor.
- L. Conditions requiring repair or modification shall be reported to the Montclair Police Department Support Services Lieutenant.
- M. Force Option Simulator Instructors shall ensure a safe location for students not participating in exercises to be located. This area is determined to be either the Force Option Simulator Hallway or Force Option Simulator Locker Area, at the discretion of the Instructor/s.
- N. ALWAYS practice basic firearms safety:
 - 1. ALWAYS point the muzzle in a safe direction
 - 2. Keep your finger off the trigger until the scenario has started and the student is going to discharge the weapon.
 - 3. ALWAYS be sure of the target and what is beyond
 - 4. ALWAYS treat the firearm as if it were operational and loaded
 - 5. Shoot only at authorized targets
 - 6. When making a firearm "safe," visually and physically inspect the firearm
 - 7. OBEY all commands given by the Instructional Staff.