



**Advanced Force Tactics, Inc.**

**Specialized Training Course**

in the

**Judgmental Use of Force**

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## SPECIALIZED TRAINING COURSE COVER SHEET

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**NAME OF COURSE:**

**TOPICS WITHIN COURSE:**

Judgmental Use of Force

**IV-A Firearms**  
**IV-E Tactical Situations**  
**VI-B Use of Force**

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**LENGTH OF PRESENTATION:**

Four (4) hours

**DATE DEVELOPED:**

April 30, 2001

**DEVELOPED BY:**

Advanced Force Tactics, Inc.

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**TRAINING AIDS REQUIRED:**

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|--|---|
| 1. Service Pistol with holster and duty belt | 4. Range 2000 Use-Of-Force Simulator          |
| 2. SLIM Multimedia Training Program          | 5. At least 20 branching simulator scenarios. |
| 3. Computer Workstations (4)                 | (AFT Supplies all items except #1)            |
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**LEARNING GOAL:** The student will demonstrate good judgment in utilizing tactics necessary to control violent confrontations in accordance with legal and agency guidelines.

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**OBJECTIVES:** The student will:

- IV-A 16. Demonstrate proper draws and holstering techniques.
  - IV-E 1. Demonstrate proficiency with a variety of weapons under tactical conditions, to include: (a) stress and combat shooting conditions; (b) discretionary, shoot don't shoot conditions; (c) hostage situations; and (i) terrorist simulations.
  - IV-E 10. Demonstrate tactics for stopping, arresting, and securing a dangerous subject in different situations, to include: (a) vehicle stops; (b) pedestrians; (c) vessels; (d) aircraft; (e) crowded conditions; (f) terrorist situations; (g) kidnapping and hostage situations; (h) barricaded subjects; (i) violent subjects; (j) mentally disturbed or drugged subjects; (k) escaped prisoner; and (m) serving a warrant for violation of probation or parole.
  - IV-E 30. Demonstrate tactics used for controlling various terrorist situations, to include: (a) abductions and kidnappings; (b) hijackings; and (c) assassination attempts.
  - IV-E 35. Demonstrate safe, logical, and legal methods of responding to threat or possible threat situations according to agency policies and procedures.
  - IV-E 40. Recall procedures for responding in threat and emergency situations, according to all applicable agency guidelines, policies, procedures, and rules in regard to: (a) use of force; (e) escapes; and (f) hostage situations.
  - IV-E 41. Demonstrate safe and effective tactics, according to legal and agency guidelines, in various threat situations, to include: (a) traffic stops; (b) arrests, including handcuffing techniques; (c) fleeing subjects; (d) crimes in progress; (e) civil disorders; (f) hostage situations; (g) assaults on the officer; and (h) searches.
  - IV-E 43. Identify critical officer safety skills, procedures, and actions at each stage of a potentially violent situation.
  - VI-B 6. Explain how the Supreme Court ruling in Tennessee v. Garner relates to deadly force.
  - VI-B 10. Select the appropriate level of force to use, according to Florida Statute 776, when given various scenarios.
  - VI-B 11. Explain why accurate documentation is necessary when use of force is involved.
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**REFERENCE MATERIALS:**

- 1. Florida Statute 776 and case law on the use of deadly force.
  - 2. FDLE standards on the use of force continuum.
  - 3. TENNESSEE v. GARNER, 471 U.S. 1 (1985)
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**LESSON TITLE: JUDGMENTAL USE OF FORCE – 4 HOURS**

**LEARNING GOAL: The student will demonstrate good judgment in utilizing tactics necessary to control violent confrontations in accordance with legal and agency guidelines.**

<b>LESSON PLAN &amp; PRESENTATION</b>	<b>OBJECTIVES &amp; INSTRUCTIONAL CUES</b>
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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. Judgmental Shooting Multimedia Training**

- A.** The student will be furnished a computer workstation with the Shooting Liability Incident Management program running. He will then be allowed 120 minutes to train with the program, allocated as follows:
  - 1. Read case law and legal commentary on use of deadly force, and on **Tennessee v. Garner** (Approximately 45 minutes).
  - 2. Complete the written examination (Approximately 15 minutes).
  - 3. Go through up to 100 short shoot/don’t shoot scenarios, applying the principles learned in the reading (Approximately 60 minutes).
- B.** After completion of the multimedia training, the student will report for simulator training preparation.

**The student will explain how the Supreme Court ruling in Tennessee v. Garner relates to deadly force. VI-B 6.**

Four workstations will be necessary, with students rotating through them at 30-minute intervals, so that the students will complete multimedia training and move to simulator training every half hour. This is self-paced training, so times are approximate.

**III. Simulator Training Preparation**

- A.** Purpose.
  - 1. Prevent “Screen Shock.”
  - 2. Enhances training value of the simulator.

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

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.
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 and deploy your weapons 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, or use your OC or baton – whichever you would choose 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

#### IV. Simulator Practical Exercise

A. Prepare the participating student'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 student doesn't have a live back-up weapon!

B. Darken the room and calibrate the weapon.

C. Run a scenario.

D. Debrief the student on the scenario.

1. Ask why the student shot (or didn't shoot, used OC or baton, etc.) the character.
  - a. Did the student think before speaking?
    - (1) Did the student articulate the elements that justify use of deadly force, and apply them to the scenario?
    - (2) Did the student avoid using equivocal language?
    - (3) Was the student influenced by subsequent events? (Test by asking leading questions.)

This will be an individual graded practical exercise in which each student will demonstrate knowledge of the 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 student during the first scenario.

- (4) Was the student completely truthful?
- b. Did the student make spontaneous *res jecti* statements?
- 2. Ask follow-up questions based on student responses.
- E. Critique the student'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.
- (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!”

The student will demonstrate safe, logical, and legal methods of responding to threat or possible threat situations according to agency policies and procedures. IV-E 35.

The student will identify critical officer safety skills, procedures, and actions at each stage of a potentially violent situation. IV-E 43.

**(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 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 are likely to be confusing and are unprofessional. (You even blink, 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!)**

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

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

- (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 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.

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.

**The student will recall procedures for responding in threat and emergency situations, according to all applicable agency guidelines, policies, procedures, and rules in regard to: (a) use of force; (e) escapes; and (f) hostage situations. IV-E 40.**

**The student will demonstrate tactics used for controlling various terrorist situations, to include: (a) abductions and kidnappings; (b) hijackings; and (c) assassination attempts. IV-E 30.**



(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.

(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.

(3) 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.

The student will select the appropriate level of force to use, according to Florida Statute 776, when given various scenarios. VI-B 10.

The student will demonstrate safe and effective tactics, according to legal and agency guidelines, in various threat situations, to include: (a) traffic stops; (b) arrests, including handcuffing techniques; (c) fleeing subjects; (d) crimes in progress; (e) civil disorders; (f) hostage situations; (g) assaults on the officer; and (h) searches. IV-E 41.

- (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.

## 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 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.

**The student will demonstrate proper draws and holstering techniques.**  
**IV-A 16.**

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.

**The student will demonstrate tactics for stopping, arresting, and securing a dangerous subject in different situations, to include: (a) vehicle stops; (b) pedestrians; (c) vessels; (d) aircraft; (e) crowded conditions; (f) terrorist situations; (g) kidnapping and hostage situations; (h) barricaded subjects; (i)**

(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 student 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.

b. Ask leading questions to see if the student'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 (Florida Statute 776).

(2) To prevent the escape of a fleeing dangerous felon (Tennessee V. Garner).

violent subjects; (j) mentally disturbed or drugged subjects; (k) escaped prisoner; and (m) serving a warrant for violation of probation or parole.

IV-E 10.

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.

## 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 the 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, 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 student'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 student 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 student has completed four scenarios.

H. Repeat procedures C, D, and F.

The student will demonstrate proficiency with a variety of weapons under tactical conditions, to include: (a) stress and combat shooting conditions; (b) discretionary, shoot don't shoot conditions; (c) hostage situations; and (i) terrorist simulations. IV-E 1.

Q: How many shots are enough?

A: As many as it takes to stop the violence.

- I. Retrieve the laser insert and reassemble the student's weapon.
- J. Move the student to another room and have him write a Use of Force Report justifying his actions in the last scenario. (30 Minutes)
- K. Have the student observe the next student undergoing simulator training and evaluate his actions using the criteria specified in IV-F above.
- L. Repeat procedures A through K for each student undergoing training. The last student undergoing training will observe and evaluate an instructor going through the scenarios.

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

**The student will explain why accurate documentation is necessary when use of force is involved. VI-B 11.**