

AELE Workshop
Investigation, Management, and Use of Lethal and Less Lethal Force
Las Vegas, Nevada

Agenda

Note: The program begins at 8:00 A.M. on Tuesday, Wednesday, and Thursday. The WiFi in the meeting room is separate from the WiFi in the guest rooms.

Monday

8:00 A.M. Registration in the hotel conference center (off the main hotel lobby, past the cashier cage and up the escalator) There will be directional signage.

9:00 A.M. Welcome, Announcements, and Program introduction.
(Judge, Ret. Emory A. Plitt, Jr, Course Director and AELE Staff Representative)

9:20 A.M. **Judge Emory A. Plitt, Jr**
Legal aspects of the use of lethal and less-lethal force
“The Rules of Engagement” Constitutional criteria governing the use of lethal and non-lethal force; realities of the defense of allegations and claims of the use of excessive force

10:00 A.M. Break

10:15 A.M. **Legal aspects of the use of lethal and less-lethal force** (continued)

11:10 A.M. Break

11:20 A.M. **Commander Kris Pitcher, Commander LAPD Force Investigations, Consent Decree and Division Commander**
Use of Force Investigations
Types of investigations, what and when to investigate, officer rights and recommended procedures, review process, investigation strategies, techniques and procedures.

12:15 P.M. Lunch – complimentary for all registered attendants

1:30 P.M. **Use of Force Investigations** (continued)

2:30 P.M. Break

2:40 P.M. **Use of Force Investigations** (continued)

3:30 P.M. Break

3:40 P.M. **Judge Emory A. Plitt, Jr.**
Document Management, Collection, and Access
Public Records Laws, Document collection

4:40 P.M. Conclude for the day

Tuesday

- 8:00 A.M. **Paul Coble, Esquire**
Personnel considerations in use of force investigations
Officer and witness interviews and statements; immediate vs. delayed interviews; cooling off periods; representation issues; compelled statements; criminal vs. internal investigations; multiple interviews; officer reassignment; fitness for duty examinations; psychological counseling; access to investigations; public safety statements; group interviews; review of videos
- 9:00 A.M. Break
- 9:15 A.M. **Personnel considerations in use of force investigations** (continued)
- 10:10 A.M. **Eric Daigle, Esquire**
Use of Force Review Boards
Concepts and practices, advantages and disadvantages, officer participation, officer access; internal vs. external boards.
- 11:15 A.M. Break
- 11:25 A.M. **Eric Daigle, Esquire**
Current Issues and new developments in the use of force
The continuum controversy; duty to intervene; threat assessment; duty to retreat; chemical agents; physical restraints; beanbag rounds, batons, and other impact devices; weapon display; crowd control; containment vs. confrontation; officer created need to use force, other new developments
- 12:15 P.M. Lunch – complimentary for all registered attendants
- 1:30 P.M. **Current issues and new developments** (continued)
- 2:25 P.M. Break
- 2:35 P.M. **John Peters, PhD, Chief Learning Officer IPICD**
Overview, profiles and prevention of in-custody deaths
Tactics, protocols and techniques impacting in-custody deaths; proactive responses to medical, behavioral, and at-risk populations; investigative techniques and requirements; risk recognition
- 3:30 P.M. Break
- 3:40 P.M. **In-Custody deaths** (continued)
- 4:40 P.M. Conclude for the day

Wednesday

- 8:00 A.M. **Judge Emory A. Plitt, Jr**
Policy Liability state and federal
State and federal legal principles and criteria; deliberate indifference standard; use of prior incidents; official vs. individual capacity; direct and indirect liability; policy legal requirements; rules and procedures; written vs. unwritten
- 9:00 A.M. Break
- 9:15 A.M. **Policy Liability state and federal (continued)**
- 10:00 A.M. Break
- 10:10 A.M. **Judge Emory A. Plitt, Jr**
Use of experts and standards in use of force litigation
Role of experts and standards; qualifications; litigation use of expert reports, opinions, and standards; expert investigation; re-enactments
- 11:00 A.M. **Eric Daigle, Esquire**
Cameras and recording technology
Advantages and disadvantages; preservation and storage; citizen and witness recordings; officer review and access; conflicts with statements
- 12:15 P.M. Lunch – complimentary for all registered attendants
- 1:30 P.M. **Eric Daigle, Esquire**
Legal issues and current developments in the use of electronic control weapons (ECWs)
ECW training standards and recommendations; tactical use; vulnerable subjects and problematic locations; ECW policies; drive stun vs. dart mode; manufacturer recommendations and cautions
- 2:20P.M. Break
- 2:30 P.M. **Eric Daigle, Esquire**
Monitoring and revising use of force policies
Good faith defense for individual officers; importance of periodic review; in-service and roll call training; weapon qualification; legal review and approval; standards and recommendations
- 3:25 P.M. Break
- 3:35 P.M. **W. Ken Katsaris, trainer; tactics and litigation consultant**
Perception and memory distortions in use of force investigations
Psychology of combat; dynamic of violent encounters; use of force research; auditory, visual, and memory distortions during critical incidents; psychological aspects of conducting investigations
- 4:40 P.M. Conclude for the day

Thursday

- 8:00 A.M. **W. Ken Katsaris**
Use of Force procedures and tactical and legal issues in use of force involving the mentally ill; emotionally disturbed; substance abusers
Policy issues; recognizing vulnerable subjects; special precautions; contain vs. confront; availability of alternatives
- 9:00 A.M. Break
- 9:15 A.M. **W. Ken Katsaris**
Practical considerations in use of force investigations, reviews, and litigation
The continuum controversy; impact of continuums in use of force litigation and investigations; practical considerations in the use of less lethal devices (batons, handcuffs, chemical agents, restraints and restraint tactics)
- 10:00 A.M. Break
- 10:10 A.M. **Chief Charles Gruber, Ret. DOJ Monitor, Past President IACP**
Federal pattern and practice litigation
Department of Justice Authority, DOJ investigative process; DOJ use of force standards and minimum requirements, DOJ best practices recommendations; consent decrees and memoranda of understanding; use of consultants and monitors; compliance, auditing and reporting
- 11:00 A.M. Break
- 11:10 A.M. **Federal pattern and practice litigation** (continued)
- 12:15 P.M. Lunch – complimentary for all registered attendants
- 1:30 P.M. **John Peters PhD**
Post-incident electronic control weapon forensic analysis
Obtaining reports, device exchange, chain of custody and documentation; downloads; analysis and testing; data accuracy; discharge history; specifications; repair, maintenance, and testing history; medical information; scene analysis and measurements
- 2:30 P.M. Break
- 2:40 P.M. **Post-incident electronic control weapon forensic analysis** (continued)
- 3:30 P.M. Break
- 3:40 P.M. **Judge Emory A. Plitt, Jr.**
Concluding remarks, questions, and recommendations
- 4:00 P.M. Program Conclusion