

Use of Force

**The Biometric, Psychological and Legal Aspects of
Lethal and Less Lethal Force and
The Management, Oversight and Monitoring
of the Use of Force**

TWO CONSECUTIVE TWO-DAY MODULES FOR...

- **Police and Corrections Command Staff**
- **City and County Attorneys**
- **Police Legal Advisors**



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LAS VEGAS
April 4-5 and 6-7, 2016

For other information about this or the other AELE Workshops, including dates, descriptions, and locations, please visit our website at <http://www.aele.org>

PROGRAM CONTENT

This AELE program concentrates on the latest research, technology, training, procedures, legal and policy issues of lethal and less lethal force confrontations. It will focus on the preparation for litigation, including the preservation of evidence, and the responsibilities of litigation coordinators. The nationally known faculty will discuss the ever-present legal, political and practical concerns.

MODULE 1 (Monday & Tuesday, April 4-5, 2016)

Legal Standards for Use of Force

- Federal Constitutional Standards
- Lethal vs. Non-lethal force
- State Law Claims

Use of Force Investigations

- Types of Investigations
- What and When to Investigate
- Officer Rights
- Procedural Issues
- Investigation Strategies

Use of Force Litigation Issues

- Representation Issues
- Documents and Reports
- Discovery Issues
- Public Records Acts

In-Custody Deaths

- At Risk Populations
- Training Issues
- Tactics and Techniques
- Proactive Responses
- Liability Theories

Use of Electronic Control Weapons

- Tactical Use
- Training Issues
- Vulnerable Subjects
- Manufacturer Advisories
- ECW Policies

Cameras and Recording Technology

- Advantages and Disadvantages
- Preservation and Storage
- Citizen Recording
- Discovery and Access Issues
- Re-enactments

Mentally Ill, Emotionally Disturbed and Substance Abusers

- At Risk Populations
- Responses and Tactics
- Training

Use of Force Continuums

- Continuum Models
- Impact in Use of Force Litigation
- Training vs. Operational Use

MODULE 2 (Wednesday & Thursday, April 6-7, 2016)

Policy Liability

- State and Federal Legal Principles
- Deliberate Indifference Standard
- Role and Importance of Prior Incidents
- Policy Legal Requirements

Federal Pattern and Practice Litigation and Investigations

- Department of Justice Authority
- Conciliation and Negotiation Process
- Consultants and Monitors
- Compliance, Auditing, and Reporting

Post Incident ECW Forensic Analysis

- Obtaining Reports and Test Results
- Device Exchange
- Custody and Documentation
- Downloads, Analysis, and Testing
- Specs and Discharge History

Use of Force Review Boards

- Types and Models
- Advantages and Disadvantages
- Officer Participations
- Internal vs. External Boards
- Role in Litigation

Personnel Investigation Issues in Use of Force Investigations

- Officer Interviews and Statements
- Immediate vs. Delayed Interviews and Reports
- Representation Issues
- Criminal vs. Internal Investigations
- Fitness for Duty Issues
- Duty to Retreat
- Chemical Agents and Beanbag Rounds
- Pointing Weapons

Use of Experts

- Importance
- Role in Litigation
- Reports and Opinions
- Expert Use of Standards
- The Re-enactment Controversy

Monitoring and Revising Use of Force Policies

- Preservation of Good Faith Defense
- Importance of Periodic Review
- In-service and Roll Call Training
- POST Standards
- National Standards
- Role of Supervisors

New Developments in Use of Force Litigation

- The Continuum Controversy
- Duty to Intervene
- The Threat Assessment Standard

REMARKS

- ★ All training will be held at the hotel facility. Registration (Module 1) is from 8:15 to 9:00 AM on Monday, and (Module 2) from 8:30 to 9:00 AM on Wednesday. Class hours are from 9:00 AM to 4:45 PM on Monday and Wednesday, and from 8:00 AM to 4:45 PM on Tuesday and Thursday.
- ★ Registration includes luncheons on all four days.
- ★ Training or prior familiarity with legal procedures is not necessary. Instructional techniques are employed that will benefit both lawyers and lay personnel. Ample time will be allowed for questions. Participation by attendants is encouraged.
- ★ Workshop attendance will be limited; seating will be arranged behind narrow tables to facilitate discussion. If a larger number of persons register than can be accommodated, those in geographical proximity will receive preference.

WORKSHOP MATERIALS

Each attendant will be provided:

- ★ Workbook containing copyrighted lecture outlines and case citations
- ★ CD-ROM containing extensive source material, relevant cases, and in-depth articles
- ★ Certificate of Attendance
- ★ Directions for accessing legal research through the AELE comprehensive web page for case review/research, experts, and legal, procedural, and tactical web site links

MANDATORY CONTINUING LEGAL EDUCATION

- ★ AELE has received approval for this course in Nevada and AELE has been approved as a CLE provider in California. Other states with MCLE and In-Service requirements have accredited our seminars in prior years. For additional information, see www.aele.org/cle.html

FACULTY

Eric P. Daigle, J.D.

An attorney and former State Trooper, he defends municipalities and public officials. He also conducts training on use of force standards, including electronic control weapons and responses to deadly force incidents.

Charles A. Gruber, M.A.

Currently serves as a Justice Department consultant in pattern and practice cases, and previously served as Chief of Police in Elgin, South Barrington and Quincy, IL and Shreveport, LA. Chief Gruber served seven years as a Monitor of the Oakland, CA Police. He is a past president of the International Association of Chiefs of Police.

W. Ken Katsaris, M.S.
(Tactics Advisor)

Former county Sheriff of Florida's Capital; veteran officer of city, county, and state law enforcement; retained in all fifty states as expert and/or litigation consultant; current regional academy instructor; former Florida Highway Patrol, IACP, and Calibre Press instructor.

John G. Peters, Jr., Ph.D.

President and Chief Learning Officer of the Institute for the Prevention of In-Custody Deaths. Dr. Peters, a former police officer, deputy sheriff, and police administrator, has many years of criminal justice training experience, and is frequently called upon to be an expert witness. He has authored several books and more than a hundred articles and informational videos.

Capt. Kris E. Pitcher, M.P.A.

Commanded the LAPD's Force Investigation Division, which was created in 2001 to comply with a consent decree with the Justice Dept. His division's work was featured at the 2007 IACP annual conference.

Emory A. Plitt, Jr., J.D.
(Course Director)

Judge, Harford County Circuit Court, Maryland; former General Counsel, Maryland Department of Public Safety & Correctional Services and former County Attorney. Past Chair, IACP Legal Officers Section. Lecturer for FBI, IACP and AELE. More than 40 years experience in civil liability, discipline, and personnel litigation in public safety agencies.

Michael P. Stone, J.D.

Attorney, specializing in police litigation since 1980, following 13 years service as a police officer, sergeant and police attorney. His firm represents police associations and individual officers in disciplinary matters, civil litigation and criminal defense.

*(Because of trial schedule changes or other unplanned events,
we may have to engage substitute speakers with similar knowledge and experience.)*

USE OF FORCE WORKSHOP REGISTRATION INFORMATION

Telephone (800) 763-2802
or (847) 685-0700

Fax (24 Hours) (800) 763-3221
or (847) 685-9700

HOTEL

Upon registering with AELE you will receive an attendant's memo outlining the workshop activities. Hotel reservations are the individual registrant's responsibility and should be made as soon as possible.

The Orleans Hotel & Casino is located at 4500 W. Tropicana Avenue, Las Vegas, Nevada 89103, (800) 675-3267. Reservations can also be booked through the Hotel's website at www.orleanscasino.com/groups using the group codes specified below. Please note: Due to promotional pricing offers, rates could be lower if booked by phone or on an internet hotel site without the group code.

A limited number of rooms have been reserved if booked before March 4, 2016 at a maximum rate of \$58 per night, single or double occupancy, Sunday through Thursday. The group code "A6AEC04" must be used to obtain this rate.



AELE WORKSHOPS
P.O. Box 75401
Chicago, IL 60675-5401

Move your pointer to a blank space, and use your keyboard to complete the form.
Mark selection boxes with a pen. Then fax to our secure line at 1-800-763-3221.
Toll-free in the U.S. & Canada.

TUITION

REGISTRATION: Fees for each module: \$775 for the first person and \$675 for each additional person from the same government agency or private employer (including the attorney for the entity). **Fee for both modules:** \$1,290 if the same person attends Module One and Module Two, and \$1,190 for each additional person from the same government agency or private employer (including the attorney for the entity).

• \$_____ is due; ☐ Check enclosed; ☐ Bill agency; ☐ Charge my credit card P.O. # _____ (if needed).

VISA, MC, Am Exp or Discover accepted. Credit Card# _____ Exp. Date _____



Signature (if using a Credit Card) _____

CANCELLATION POLICY: The tuition is fully refundable if cancellations are made before Monday, March 28, 2016. Otherwise, a \$100.00 cancellation fee will be charged per attendant. Upon written request, you may transfer your tuition to a future workshop.

REGISTRATION FORM

Register me for the Use of Force Workshop, April 4-7, 2016

Register me for (check one please) ☐ **Module One** April 4-5, 2016 ☐ **Module Two** April 6-7, 2016 ☐ **Modules One and Two** ☐ Attorney ☐ Non-Attorney

Name _____ Title _____

Agency or Organization _____

Address _____

City _____ State _____ Zip _____

Business Phone (_____) _____ E-Mail Address _____

Fax Number (_____) _____ **Our Federal Tax ID # is: 36-6140171**

I hereby authorize AELE to confirm my registration (or to send information relating to this seminar) by (a) sending me a fax at the above number, and/or (b) sending me an e-mail, and/or (c) telephoning me at the above number.

Signature (Required): _____

RETURN PROMPTLY

DO NOT DELAY REGISTRATION WHILE AWAITING
FORMAL APPROVAL OR A PURCHASE ORDER.

SEND OR FAX A COPY OF THIS APPLICATION,
MARKED "PENDING APPROVAL."