

AELE LAW ENFORCEMENT LEGAL CENTER

Management, Oversight and Monitoring of

Use of Force

Including ECW Operations and Post-Incident Forensics

A THREE DAY PROGRAM FOR...

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



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LAS VEGAS

April 2-4, 2013

This is a NEW program that augments our other seminar on Lethal and Less Lethal Force. It addresses important issues and court decisions not covered in other program.

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 program addresses issues not covered in the AELE seminar on the legal, psychological and biomechanical aspects of officer-involved use of lethal and less-lethal force. Plaintiff's counsel and the Dept. of Justice are increasingly focusing on policy and training failures, inadequate monitoring of the use of force, and inept oversight.

Force Policy Liability

- What is policy liability?
- What are policies, rules, and procedures?
- Federal constitutional standards
- Deliberate indifference standard
- Prior knowledge
- Unwritten procedures and customs
- Official capacity claims
- Governmental liability
- Who are policy-makers?
- Individual capacity claims
- Role of prior incidents
- Discovery issues
- State court liability standards
- Policies as a measure of liability

Monitoring and Revising Use of Force Policies

- The good faith defense
- Importance of periodic review
- In-service and roll call training
- Weapon qualification
- State POST standards
- National standards and recommendations
- Department of Justice recommendations
- Legal review and approval
- Web-based research and information

Constitution-Based Use of Force Training

- Use-of-force training methodologies
- Amendment-based vs continuum-based training
- Transitioning to amendment-based training

Use of Force Expert Witnesses

- Role of experts in use of force cases
- Qualifications and exclusion
- Admissibility of expert opinions
- Expert exception to the hearsay rule
- Expert reports
- Expert use of standards
- The re-enactment controversy

Force Review Boards

- Concept and practice
- Advantages and dangers

Federal Pattern and Practice Litigation

- Authority of Department of Justice
- DoJ Investigation process
- DoJ use of force minimums and standards
- The conciliation and negotiation process

- Consent decrees and agreements
- Use of consultants
- The role of monitors
- Contents of decrees and agreements
- Compliance procedures
- Auditing and periodic reporting
- Public access to reports and documents
- Summary of actual decrees and agreements

ECW Tactics and Training Issues

- Consent decree requirements
- Darts - advantages and disadvantages
- Drive stun - advantages and disadvantages
- Manufacturer warnings and recommendations
- Vulnerable populations
- Multiple applications; location issues
- Intermediate use of force classification
- Weapon confusion
- Use on persons in custody or controlled
- Use policies and directives

Post-Incident ECW Forensic Analysis

- Need for all available reports
- Exchange of devices
- Chain of custody and documentation
- Downloads, analysis and testing
- Verifying accuracy of data
- Discharge history of device
- Device specifications and verification
- Repair, maintenance or recertification history
- Other – clothing, medical information, etc.
- Evidence collection, analysis, and storage
- Scene analysis and measurements
- Importance of the ECW user's report
- Training records and manufacturer warnings

Current Issues and New Developments

- The continuum controversy
- Duty to intervene
- Threat assessment as a factor in use of force
- The last resort issue
- Duty to retreat
- Chemical agents
- Physical restraints and techniques
- Bean bag rounds, batons, and other devices
- Pointing weapons
- Crowd control and hostages
- Contain vs. confront
- Officer-created need to use force

REMARKS

- ★ All training will be held at the hotel facility. Registration is from 8:15 to 9:00 a.m. on Tuesday. Class hours are 9:00 a.m. to 4:45 p.m. on Tuesday, 8:00 a.m. to 4:45 p.m. on Wednesday, and 8:00 to 11:00 a.m. on Thursday.
- ★ Registration includes luncheons on Tuesday and Wednesday.
- ★ 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 Gruber, M.A.** Currently serves as a Justice Department consultant in pattern and practice cases, and previously served as Chief of Police in Elgin 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.
- James Marker** Special Program Division Manager at the Wyoming Law Enforcement Academy. He has more than twenty years of law enforcement experience, mostly as a full-time trainer. He co-developed the state's current use-of-force training program, and is currently its lead instructor.
- Greg Meyer, M.S.** Retired Captain with the Los Angeles Police Academy. Member of the National Advisory Board of the Force Science Research Center. He specializes in risk management issues including policy, training, equipment, tactics, and supervision, with a focus on injury reduction during lethal and nonlethal encounters.
- 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.
- 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 35 years experience in civil liability, discipline, and personnel litigation in public safety agencies.

*(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. A limited number of rooms have been reserved if booked before March 11, 2013 at a maximum rate of \$46 per night, single or double occupancy, Sunday through Thursday. The group code "A3USC03" must be used to obtain this rate. Reservations can also be booked through the Hotel's website at www.orleanscasino.com/groups using the group code. Due to promotional pricing offers, rates could be lower if booked by phone or on an internet site without the group code.



AELE WORKSHOPS
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This form can be completed online. Put your mouse pointer on a blank line and then type your information. Then print the form and fax it to 1-800-763-3221 or mail to AELE.

TUITION

REGISTRATION: Fees for the workshop are: \$895.00 for the first person and \$795.00 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 25, 2013. 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 2-4, 2013

Name _____ Title _____ Attorney
 Non-Attorney

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."