

# Authorization and Standard for Use of Force

Model Use of Force Policy

# The Policy

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## 1.1 – Key Concepts and Definitions

### A. Key Concepts:

1. The Department places the sanctity and dignity of human life at the center of this Policy. All officers must avoid the use of force unless it is not possible to do so. Force may be used only after all available non-force options have been exhausted.
2. Officers must seek to avoid the use of force unless it is not possible to do so. Any force used must be the least amount of force **necessary** to achieve a Lawful Objective and **proportional** to the totality of the circumstances.
3. Officers are required to attempt de-escalation techniques to avoid or reduce threats, gain the voluntary compliance of persons, and safely resolve a situation before resorting to force.
4. Deadly force is a last resort and may only be used by officers when all other force options have been exhausted and it is absolutely necessary to protect the officer or another person from death or serious injury.

### B. Definitions:

1. **Available Information:** The information that was obtainable or accessible to an officer at the time of the officer's decision to use force. When an officer takes actions that hasten the need for force, the officer limits their ability to gather information that can lead to more accurate risk assessments, the consideration of a range of appropriate tactical options, and actions that can minimize or avoid the use of force altogether.
2. **De-Escalation:** Taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the level of force necessary.
3. **Lawful Objective:** Limited to one or more of the following objectives:
  - a) Conducting a lawful search;
  - b) Preventing serious damage to property;
  - c) Effecting a lawful arrest or detention;
  - d) Gaining control of a combative individual;

- e) Preventing and/or terminating the commission of a crime;
  - f) Intervening in a suicide or self-inflicted injury; and/or
  - g) Defending an officer or another person from the physical acts of another.
4. **Necessary:** Force is necessary only if there are no other available non-force options or less-forceful options to achieve a lawful objective.
  5. **Proportional:** Proportionality in the use of force goes beyond necessity. Even if the use of force is necessary to achieve the Lawful Objective, it must also match the threat posed to the officer or public.
  6. **Totality of Circumstances:** The totality of the circumstances consists of all facts and circumstances surrounding any event.

## 1.2 – Authorization Required to Use Force

### A. Authorization to Use Force

The use of force is authorized only when all the following circumstances exist:

1. There is a Lawful Objective;
2. The officer has exhausted all available non-force options to apprehend or control the person;
3. The officer issues a verbal warning before using force, if possible;
4. The use of force is necessary to carry out the Lawful Objective and proportional to the totality of the circumstances; **and**
5. The amount of force is limited to the minimum amount of force the officer believes is feasible to carry out the Lawful Objective and will not injure bystanders, and those beliefs are consistent with Available Information.

### B. De-Escalation Required Before Using Force

De-Escalation techniques are tools of first resort. Officers must use the available De-Escalation techniques and tactics in this policy before resorting to force, in an attempt to stop or reduce a threat without the use of force.

### C. Factors to Consider before Using Force

Before using force an officer should assess how to safely resolve the situation. The following factors should be considered by officers:

- Seriousness and nature of the alleged offense and level of perceived threat from the person, including the level of resistance exhibited by person;
- Non-force and force options available to the officer; and

- Person's perceived personal characteristics including behavioral disorders, physical disabilities, language abilities, and cultural background.

## 1.3 – Authorization Required to Use Deadly Force

### A. Authorization to Use Deadly Force

The use of deadly force is authorized only when all the requirements to use force are satisfied and both of the following additional circumstances exist:

1. All available non-deadly force options have been exhausted; and
2. The use of deadly force is absolutely necessary:
  - To protect an officer or another person from imminent death or serious bodily harm that is more likely than not to occur without the use of deadly force, provided that the officer can specifically articulate the observable circumstances that led the officer to conclude that the use of deadly force is necessary, and the officer's belief is consistent with Available Information; **or**
  - To effect the arrest of an individual who the officer has probable cause to believe has committed a felony that caused or threatened to cause death or serious bodily harm; **and** the officer believes that the individual is more likely than not to cause death or serious bodily harm to an officer or another person unless immediately apprehended and the officer's belief is consistent with Available Information.

### B. Deadly Force Prohibited

Regardless of whether the circumstances in this policy above are satisfied, deadly force may not be used against any of the following three categories of individuals:

- Individuals who pose a threat only to themselves;
- Individuals suspected of committing a misdemeanor or non-violent felony, unless the use of deadly force is necessary to protect an officer or another person from imminent death or serious bodily harm, the officer can specifically articulate the observable circumstances that led the officer to conclude that the use of deadly force is necessary, and the officer's belief is consistent with Available Information; **or**
- Fleeing individuals, unless the use of deadly force is necessary to protect an officer or another person from imminent death or serious bodily harm, the officer can specifically articulate the observable circumstances that led the officer to conclude that the use of deadly force is necessary, and the officer's belief is consistent with Available Information.

### C. Avoiding Conduct that Increases Risk of Deadly Confrontation

Officers must be aware that they can escalate situations to where they feel that deadly force is necessary. An officer's conduct before a confrontation must not increase the risk of a deadly confrontation. The Department will consider the following factors in determining whether an officer's conduct increased the risk of a deadly confrontation:

- Whether the officer missed opportunities to de-escalate;
- Whether the presence of officers escalated what was initially a minor/non-threatening situation and eliminated the opportunity for de-escalation; and
- Whether the officer genuinely and reasonably believed deadly force was necessary given the officer's conduct before the confrontation.

## **1.4 Standard for Using Force**

### **A. Standard for Use of Force**

The amount and type of force used must be necessary to carry out a Lawful Objective and proportional to the totality of the circumstances.

### **B. Necessity Requirement**

For force to be necessary:

1. The amount and type of force used must be for carrying out the Lawful Objective;
2. There must be no available non-force options to carrying out the Lawful Objective given the circumstances, or the options have been exhausted, and
3. There must be no available lesser-force options to carrying out the Lawful Objective given the circumstances, or the options have been exhausted.

### **C. Proportionality Requirement**

Officers are required to assess the totality of the circumstances of a given situation to determine what response is proportional to the potential danger posed by the person. Force is proportionate when the force used corresponds in amount or degree with the Lawful Objective or with the threat posed to the officer or public.

### **D. Measuring Necessity and Proportionality of Force**

The necessity and proportionality of the force shall be measured at the time force is applied. Force that may have been necessary and proportionate at one time during the officer's encounter with a person may not be necessary or proportionate if used later in the encounter.

### **E. Excessive Force is Prohibited**

An officer may not use more force than necessary in a particular situation after evaluating the totality of the circumstances.