



Use of Force Recommendation 27

Guidance for

Clearly Define Basis for Using Force



Agenda

- Recommendation Highlights
- Gap Analysis
- Discussion Points
- Committee Feedback
- Further Analysis
- Final Guidance



Recommendation Highlights

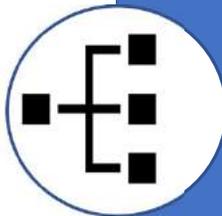
- MPD should consider strengthening its policy by adding language to this section (DPM2.1.5) that more clearly defines the basis for using force.

Gap Analysis-Section 4

- Officers must consider the totality of circumstances in evaluating whether force is necessary and what level of force would be reasonable before using a particular force option.
- Factors that may be considered include, but are not limited to:
 - o The risk and reasonably foreseeable consequences of escape.
 - o The conduct of the individual being confronted as reasonably perceived by the officer at the time.
 - o The seriousness of the suspected offense or reason for contact with the individual.
 - o The officer's and subject's factors, including, but not limited to: age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue and number of officers versus subjects.
 - o The influence of drugs or alcohol and the mental capacity of the subject.
 - o The proximity of weapons.
 - o The distance of the subject to the officer.
 - o The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
 - o Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances) not inclusive of the following:
 - *The availability of cover.* An armed suspect attempting to gain a position of cover may necessitate the use of deadly force; conversely, an officer in a position of cover may gain additional time to assess the need to use deadly force without incurring significant additional risks.
 - *Time constraints.* The time delay between a suspect's actions and an officer's reaction can determine whether a hesitation in the use of force will place the officer or others at an unacceptable disadvantage. The time delay between the use of force and the "stopping" of the suspect's actions may also play a critical part in determining whether there is a safe alternative to the use of force.
 - o The training and experience of the officer.
 - o The potential for injury to citizens, officers, and suspects.
 - o Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
 - o Prior knowledge of the subject's propensity for violence.
 - o Any other exigent circumstances.
-

Gap Analysis- Recommendation

- Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances.
- The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the **severity of the crime at issue**, whether the suspect poses an **immediate threat** to the safety of the officer or others, and whether he is **actively resisting arrest** or attempting to **evade arrest** by flight.”
- In addition, “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them.



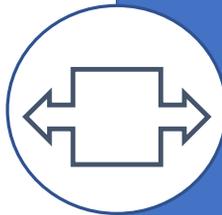
Pros and Cons

*List the reasons **for** adopting the recommendation*

- *Clear direction to officers on Use of Force.*
- *Eliminates list of possible factors.*

*List the reasons **against** adopting the recommendation*

- *None.*



Committee Feedback

- Question about de-escalation.
 - Recommendation 14 & 16
- Section 4 information is still found in lesson plan.
- Training aspect on use of force.
 - Academy discussion.





Final Guidance

- ***Approved changes to DPM 2.1.5 as recommended:***
- Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances.
- The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the **severity of the crime at issue**, whether the suspect poses an **immediate threat** to the safety of the officer or others, and whether he is **actively resisting arrest** or attempting to **evade arrest** by flight.”
- In addition, “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them.



Discussion