

CRITICAL ISSUES IN POLICING SERIES

**Use of Force:
Taking Policing to a Higher Standard**

January 29, 2016

30 Guiding Principles



**POLICE EXECUTIVE
RESEARCH FORUM**

Note: A comprehensive approach will be required to implement the changes described in this document.

The policies, training, tactics, and recommendations for equipment detailed in this document amount to significant, fundamental changes in a police department's operations and culture. It is important that these changes be undertaken in a comprehensive manner, and not in a piecemeal or haphazard way. The policy changes must be backed up with thorough, integrated retraining of all officers.

These changes have implications for officer safety. This approach can *increase* officer safety, as well as the safety of community members, by teaching officers how to “slow down” some incidents and avoid escalating situations to the point where officers or members of the public are endangered. But to better protect officers, agencies must provide comprehensive new training, new tactical skills, and new equipment to support the new policies.

Guiding Principles: Policy

POLICY

1. The sanctity of human life should be at the heart of everything an agency does.

Agency mission statements, policies, and training curricula should emphasize the sanctity of all human life—the general public, police officers, and criminal suspects—and the importance of treating all persons with dignity and respect.

POLICY

2. Departments should adopt policies that hold themselves to a higher standard than the legal requirements of *Graham v. Connor*.

Agency use-of-force policies should go beyond the legal standard of “objective reasonableness” outlined in the 1989 U.S. Supreme Court decision *Graham v. Connor*. This landmark decision should be seen as “necessary but not sufficient,” because it does not provide police with sufficient guidance on use of force. As a result, prosecutors and grand juries often find that a fatal shooting by an officer is not a crime, even though they may not consider the use of force proportional or necessary. Agencies should adopt policies and training to hold themselves to a higher standard, based on sound tactics, consideration of whether the use of force was proportional to the threat, and the sanctity of human life.

Many police agencies already have policies that go beyond legal requirements. For example, many police agencies have adopted pursuit policies, and rules barring officers from shooting at or from moving vehicles, that go beyond current legal precedents.

POLICY

3. Police use of force must meet the test of proportionality.

In assessing whether a response is proportional, officers must ask themselves, “How would the general public view the action we took? Would they think it was appropriate to the entire situation and to the severity of the threat posed to me or to the public?”

POLICY

4. Adopt de-escalation as formal agency policy.

Agencies should adopt General Orders and/or policy statements making it clear that de-escalation is the preferred, tactically sound approach in many critical incidents. General Orders should require officers to receive training on key de-escalation principles. Many agencies already provide crisis intervention training as a key element of de-escalation, but crisis intervention policies and training must be merged with a new focus on tactics that officers can use to de-escalate situations. De-escalation policy should also include discussion of proportionality, using distance and cover, tactical repositioning, “slowing down” situations that do not pose an immediate threat, calling for supervisory and other resources, etc. Officers must be trained in these principles, and their supervisors should hold them accountable for adhering to them.

POLICY

5. The Critical Decision-Making Model provides a new way to approach critical incidents.

Policy on use of force should be based on the concept of officers using a decision-making framework during critical incidents and other tactical situations. Departments should consider adopting the Critical Decision-Making Model (CDM), which PERF has adapted from the United Kingdom’s National Decision Model. The CDM provides officers with a logical, easy-to-use thought process for quickly analyzing and responding appropriately to a range of incidents. The CDM guides officers through a process of:

- Collecting information,
- Assessing the situation, threats, and risks,
- Considering police powers and agency policy,
- Identifying options and determining the best course of action, and
- Acting, reviewing, and re-assessing the situation.

The CDM is a constructive process that provides a framework for going beyond the minimum legal standard of objective reasonableness.

POLICY

6. Duty to intervene: Officers need to prevent other officers from using excessive force.

Officers should be obligated to intervene when they believe another officer is about to use excessive or unnecessary force, or when they witness colleagues using excessive or unnecessary force, or engaging in other misconduct. Agencies should also train officers to

detect warning signs that another officer might be moving toward excessive or unnecessary force and to intervene *before* the situation escalates.

POLICY

7. Respect the sanctity of life by promptly rendering first aid.

Officers should render first aid to subjects who have been injured as a result of police actions and should promptly request medical assistance.

POLICY

8. Shooting at vehicles must be strictly prohibited.

Agencies should adopt a strict prohibition against shooting at or from a moving vehicle unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself.

POLICY

9. Prohibit use of deadly force against individuals who pose a danger only to themselves.

Agencies should prohibit the use of deadly force, and carefully consider the use of many less-lethal options, against individuals who pose a danger only to themselves and not to other members of the public or to officers. Officers should be prepared to exercise considerable discretion to wait as long as necessary so that the situation can be resolved peacefully.

POLICY

10. Document use-of-force incidents, and review your data and enforcement practices to ensure that they are fair and non-discriminatory.

Agencies should document all uses of force that involve a hand or leg technique; the use of a deadly weapon, less-lethal weapon, or weapon of opportunity; or any instance where injury is observed or alleged by the subject. In addition, agencies should capture and review reports on the pointing of a firearm or an electronic control weapon at an individual as a threat of force.

This information is critical for both external reporting and internal improvements to policy and training. Agencies should consult with their communities to ensure that use of force and enforcement practices are not discriminatory.

Agencies should develop strong policies and protocols for reviewing all use-of-force reports to ensure accuracy and completeness, including comparing written reports with video footage from body-worn cameras, dashboard cameras, and other sources. Special attention should be paid to ensuring that reports provide clear and specific details about the incident and avoid generic, “boilerplate” language.

POLICY

11. To build understanding and trust, agencies should issue regular reports to the public on use of force.

Agencies should publish regular reports on their officers' use of force, including officer-involved shootings, deployment of less-lethal options, and use of canines. These reports should include discussion of racial issues and efforts to prevent all types of bias and discrimination.

These reports should be published annually at a minimum, and should be widely available through the agency's website and in hard copy.

POLICY

12. All critical police incidents resulting in death or serious bodily injury should be reviewed by specially trained personnel.

Incidents that involve death or serious injury as a result of a police action should be reviewed by a team of specially trained personnel. This can be done either within the agency through a separate "force investigation unit" that has appropriate resources, expertise, and community trust, or by another law enforcement agency that has the resources, expertise, and credibility to conduct the investigation. Other uses of force should be investigated by the officer's supervisor and reviewed through the chain of command. Supervisors should respond to the scene of any use-of-force incident to initiate the investigation. Agencies should thoroughly investigate all non-training-related firearms discharges, regardless of whether the subject was struck.

POLICY

13. Agencies need to be transparent in providing information following use-of-force incidents.

Agencies that experience an officer-involved shooting or other serious use-of-force incident should release as much information as possible to the public, as quickly as possible, acknowledging that the information is preliminary and may change as more details unfold. At a minimum, agencies should release basic, preliminary information about an incident within hours of its occurrence, and should provide regular updates as new information becomes available (as they would with other serious incidents that the public and the news media are interested in).

Guiding Principles: Training and Tactics

TRAINING AND TACTICS

14. Training academy content and culture must reflect agency values.

The content of police training and training academy culture should reflect the core values, attributes, and skills that the agency wants its personnel to exhibit in their work in

the community. Chief executives or their designees should audit training classes to determine whether training is up to date and reflects the agency's mission and values. This values-based training culture must extend to the agency's field training and in-service training programs as well.

TRAINING AND TACTICS

15. Officers should be trained to use a Critical Decision-Making Model.

As mentioned in Recommendation 5 in the Policy section of this document, agencies should train officers to use a decision-making framework during critical incidents and other tactical situations.

The CDM provides a framework for going beyond the minimum standard of objective reasonableness.

TRAINING AND TACTICS

16. Use Distance, Cover, and Time to replace outdated concepts such as the "21-foot rule" and "drawing a line in the sand."

Agencies should train their officers on the principles of using distance, cover, and time when approaching and managing certain critical incidents. In many situations, a better outcome can result if officers can buy more time to assess the situation and their options, bring additional resources to the scene, and develop a plan for resolving the incident without use of force.

Agencies should eliminate from their policies and training all references to the so-called "21-foot rule" regarding officers who are confronted with a subject armed with an edged weapon. Instead, officers should be trained to use distance and cover to create a "reaction gap" between themselves and the individual, and to consider all options for responding.

TRAINING AND TACTICS

17. De-escalation should be a core theme of an agency's training program.

Agencies should train their officers on a comprehensive program of de-escalation strategies and tactics. De-escalation can be used in a range of situations, especially when confronting subjects who are combative and/or suffering a crisis because of mental illness, substance abuse, developmental disabilities, or other conditions that can cause them to behave erratically and dangerously. De-escalation strategies should be based on the following key principles:

- Effective communication is enough to resolve many situations; communications should be the first option, and officers should maintain communication throughout any encounter.
- In difficult situations, communications often are more effective when they begin at a "low level," e.g., officers speaking calmly and in a normal tone of voice, and asking questions rather than issuing orders.

- Whenever possible, officers should be trained to use distance and cover to “slow the situation down” and create more time for them to continue communicating and developing options.
- If an encounter requires a use of force, officers should start at the lowest level of force that is possible and safe. Officers should never do anything to escalate a situation themselves.
- As the situation and threats change, officers should re-evaluate them and respond proportionally; in some cases, this will mean deploying a higher force option, in others a lower option, depending on the circumstances.

TRAINING AND TACTICS

18. De-escalation starts with effective communications.

To effectively carry out the agency’s de-escalation strategies, all officers should receive rigorous and ongoing training on communications skills. Officers should be trained to effectively communicate in a range of situations, including everyday interactions while on duty, public speaking and meeting facilitation, interacting with victims and witnesses, handling critical incidents, and dealing with people with mental health and/or substance abuse problems. All officers should also receive training on basic negotiations techniques.

TRAINING AND TACTICS

19. Mental Illness: Implement a comprehensive agency training program on dealing with people with mental health issues.

Officers must be trained in how to recognize people with mental health issues and deal with them in a safe and humane manner. As mentioned in the Policy Section of this document, many agencies already provide some form of crisis intervention training as a key element of de-escalation, but crisis intervention policies and training must be merged with a new focus on tactics that officers can use to de-escalate situations. At a minimum, agencies should seek to:

- Provide all officers with awareness and recognition of mental health and substance abuse issues, as well as basic techniques for communicating with people with these problems.
- Provide in-depth training (for example, the 40-hour Crisis Intervention Team or “CIT” training) to a subset of officers and field supervisors (preferably those who have indicated an interest in this area) with the goal of having CIT-trained personnel on duty at all times. This training should focus heavily on communication and de-escalation strategies.
- Some agencies may choose to provide in-depth CIT training to all of their personnel.
- Crisis Intervention Teams, made up of police officers and mental health workers, can be the most effective option. These teams are called to respond to all incidents involving mental illness or similar issues, and thus develop expertise, as well as familiarity with individuals who generate multiple calls for service over time. In

- some cases, Crisis Intervention Teams also work to solve underlying problems by helping persons with mental illness to obtain treatment.
- For all of their mental health training, agencies should coordinate with local mental health professionals on content and delivery.

TRAINING AND TACTICS

20. Tactical training and mental health training need to be interwoven to improve response to critical incidents.

As noted above, strategies for dealing with people with mental health problems should be woven into the tactical training that all officers receive, with a strong emphasis on communications, de-escalation techniques, maintaining cover and distance, and allowing for the time needed to resolve the incident safely for everyone. Officers who respond to scenes involving people with mental health problems should be directed to call for assistance from specially trained officers and/or supervisors (e.g., CIT-trained) if possible. As a best practice, those specially trained personnel should be given the authority to manage a scene regardless of rank. All other responding units should be directed to the on-scene manager, briefed on the situation, and directed to follow the on-scene manager's lead with respect to tactics and especially any use of force.

TRAINING AND TACTICS

21. Community-based outreach teams can be a valuable component to agencies' mental health response.

Where resources exist, agencies should partner with their local mental health service community to assist with training, policy development, proactively working with people with mental health problems, and responding to critical incidents. Mental health street outreach and crisis response teams can provide valuable support to the police response to these incidents and assist with de-escalation strategies directed at persons with mental health problems.

TRAINING AND TACTICS

22. Provide a prompt supervisory response to critical incidents to reduce the likelihood of unnecessary force.

- Supervisors should immediately respond to any scene:
- Where a weapon (including firearm, edged weapon, rocks, or other improvised weapon) is reported,
 - Where persons with mental health problems are reported, or
 - Where a dispatcher or other member of the department believes there is potential for use of force.

Once on the scene and if circumstances permit, supervisors should attempt to "huddle" with officers before responding to develop a plan of action that focuses on de-escalation where possible. In the case of persons with mental health problems, supervisors

who are not specially trained should consult and coordinate with officers on the scene who are specially trained.

TRAINING AND TACTICS

23. Training as teams can improve performance in the field.

Agencies should provide in-service training on critical decision-making, de-escalation, and use of force to teams of officers at the same time. When officers who work together on a daily basis train together, coordination and consistency in tactics increase, and the likelihood of undesirable outcomes during critical incidents decreases. Recognizing that this approach may increase costs and disrupt scheduling, agencies should consider alternative arrangements to traditional, day-long in-service training classes—for example, by bringing in a team of officers for a few hours of training several times a year.

TRAINING AND TACTICS

24. Scenario-based training should be prevalent, challenging, and realistic.

In both recruit and in-service programs, agencies should provide use-of-force training that utilizes realistic and challenging scenarios that officers are likely to encounter in the field. Scenarios should be based on real-life situations and utilize encounters that officers in the agency have recently faced. Scenarios should go beyond the traditional “shoot-don’t shoot” decision-making, instead providing for a variety of possible outcomes, including some in which communication, de-escalation, and use of less-lethal options are most appropriate. Scenario-based training focused on decision-making should be integrated with officers’ regular requalification on their firearms and less-lethal equipment.

Guiding Principles: Equipment

EQUIPMENT

25. Officers need access to and training in less-lethal options.

Patrol officers should be given access to, and regular training in, an appropriate range of less-lethal weapons and equipment to support their critical decision-making and de-escalation efforts. Personnel specially trained in mental health issues should be issued and trained in the full range of less-lethal options offered by the agency.

EQUIPMENT

26. Agencies should consider new options for chemical spray.

Agencies should evaluate their current policies and practices on the use of chemical spray, and consider alternatives that address officers’ concerns over cross-contamination and flammability. One alternative that agencies can consider is PAVA spray (pelargonic acid vanillylamide), which is now widely used in the United Kingdom. Unlike traditional CS or OC

sprays, PAVA has a more concentrated stream that minimizes cross-contamination and is not flammable (meaning it can be used in conjunction with an electronic control weapon).

EQUIPMENT

27. An ECW deployment that is not effective does not mean that officers should automatically move to their firearms.

Agencies should ensure that their policies, training, and procedures around the use of electronic control weapons (ECWs) are consistent with the 53 guidelines released by PERF and the COPS Office in 2011.¹

Accounts of fatal police shootings often state that “the officer tried an ECW, it had no effect, and so the officer then used a firearm.” This is an inappropriate way to view force options. ECWs often do not work because the subject is wearing heavy clothing or for many other reasons. An ECW deployment that is not effective does not mean officers should automatically move to their firearms. Under the Critical Decision-Making Model, an ineffective ECW deployment changes the situation and should prompt officers to re-assess the situation and the current status of the threat, and to take appropriate, proportional actions.

EQUIPMENT

28. Personal protection shields may support de-escalation efforts during critical incidents, including situations involving persons with knives, baseball bats, or other improvised weapons that are not firearms.

Agencies should acquire personal protection shields for use by patrol officers and others in managing some critical incidents. Officers with access to personal protection shields should be adequately trained on how to use the shields both individually and as part of a team operation.

Guiding Principles: Information Issues

INFORMATION ISSUES

29. Well trained call-takers and dispatchers are essential to the police response to critical incidents.

A number of controversial uses of force by police have stemmed from failures of dispatchers to obtain, or relay to responding officers, critically important information about the nature of the incident.

¹ 2011 Electronic Control Weapon Guidelines.

http://www.policeforum.org/assets/docs/Free_Online_Documents/Use_of_Force/electronic%20control%20weapon%20guidelines%202011.pdf

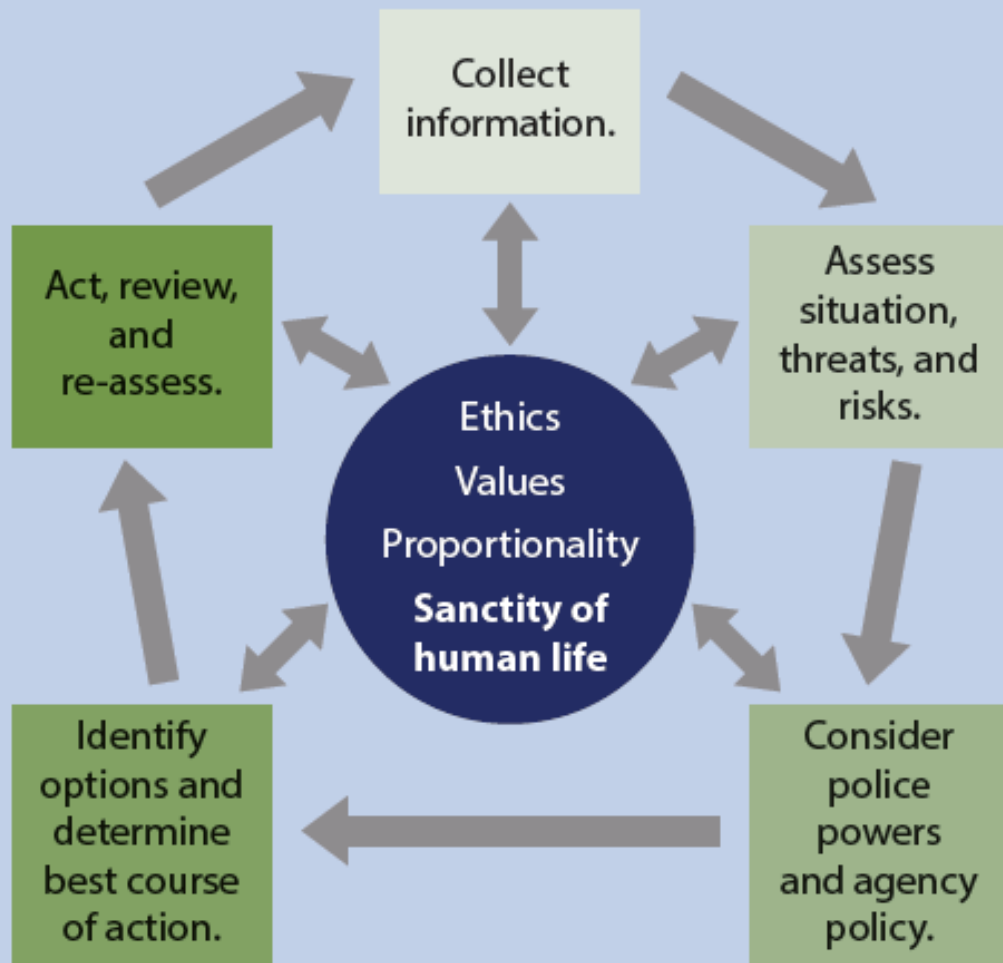
Agencies should ensure that call-takers and dispatchers receive thorough, hands-on training to support the police response to critical incidents that may involve the use of force. This training should include dealing with persons with mental health problems (including communicating with family members and agency protocols), crisis communications, use-of-force policy, and de-escalation strategies. As part of their training, call-takers and dispatchers should take part in ride-alongs with patrol officers and specialized units, and they should actively participate in the agency's mental health training programs.

INFORMATION ISSUES

30. Educate the families of persons with mental health problems on communicating with call-takers.

Agencies should work with their local mental health provider community and organizations such as the National Alliance on Mental Illness (NAMI) to create outreach and education programs for the families of persons with mental health problems. Specifically, agencies should instruct family members on the types of information and details they should provide when calling 9-1-1 for an incident involving their loved ones. This type of outreach can minimize any stigma family members may feel and increase their confidence in the police response. It will also help ensure that call-takers, dispatchers, and responding officers have a more complete picture of any mental health issues associated with a call for service.

Critical Decision-Making Model



Adapted from the UK National Decision Model