

# **REVISED USE OF FORCE POLICY PROPOSED BY DPD UOF**

## **ADVISORY COMMITTEE**

### **Policy highlights**

#### **Standard for Use of Force**

- 2(s) Reasonable and Necessary under the Totality of the Circumstances:** The standard governing all uses of Force by DPD officers.
1. **For purposes of this standard, the following definitions apply:**
    - A. **Reasonable and Necessary:** When no reasonably effective alternative to the Use of Force is available to an officer under the Totality of the Circumstances, only the amount of Force necessary to safely accomplish a legitimate law enforcement objective.
    - B. **Totality of the Circumstances:** All of the facts and circumstances an officer knew, or reasonably should have known, but not conjecture or speculation, at the time of the Use of Force, based upon a continual reassessment of the situation including but not limited to the seriousness of the threat of Injury posed to the officer or other persons, the seriousness of the crime in question, and the officer's use or non-use of De-escalation techniques and/or Tactical Options, all viewed from the perspective of a reasonable officer on the scene.
- 2(m) Inappropriate Force:** Force that is not Reasonable and Necessary under the Totality of the Circumstances.

#### **Attempted Force**

- 2(a) Attempted Force:** Any attempt to use Force that does not make contact with an individual.
- 2(l) Inappropriate Attempted Force:** Any attempt to use Inappropriate Force in which the Inappropriate Force does not make contact with a person.

#### **Duty to intervene, Report (§6)**

- 6(a)** Any officer who observes Inappropriate Force or Inappropriate Attempted Force by any other law enforcement officer shall, when reasonable under the Totality of Circumstances, intervene to protect the individual and to prevent or stop the Inappropriate Force.
- 6(b)** Any officer who witnesses Inappropriate Force or Inappropriate Attempted Force by any other law enforcement officer shall report it immediately to a supervisory or command officer, and report the incident in writing in accordance with § (22) – Use of Force Reporting, of this policy.
- 6(c)** Retaliation Prohibited: Officers shall not retaliate against, or threaten to retaliate against, any officer or other person who intervenes to stop or report the use of Inappropriate Force or Inappropriate Attempted Force.

#### **Less Lethal Policies (See §§8-12)**

- Comprehensive policies to define the use of Less Lethal Devices.
- Incorporates best practices from around the country, including PERF 30. As an example, PERF 30, Principle 25, calls for training on less lethal options. The Committee believes detailed policies support and enable comprehensive training on less lethal options.
- Adheres to imperative to have policies that are “clear and concise.” Without comprehensive treatment of less-lethal devices, we believe policy is not clear.

- The Committee views police use of Canines as a Use of Force that should adhere to the principles we recommend. We recommend incorporating these principles in the policies for Police Service Dogs.

**More-restrictive policy than Fleeing Felon Statute (§15(B))**

**15(b)(1)(B) The Committee recommends two versions, and suggests that the Department choose one:**

B. *To effect the arrest or to prevent the escape from custody of a person posing an immediate threat of death or Serious Bodily Injury to the officer or others.*

Or

B. *To effect the arrest or to prevent the escape from custody of a person who the officer knows:*

- i. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; and*
- ii. Poses an immediate threat of death or Serious Bodily Injury to the officer or others.*

**Reporting (§22-23); Investigations (§25)**

- Definitions of force, what must be reported, see Section 22(b), which defines levels of Force, primarily for reporting purposes.
- Use of Force Report is required for any Use of Force and Attempted Force, except *de minimis*. §22(d).
- The Committee believes statistical reporting, §23, enhances public understanding of Use of Force, and assists in reducing Use of Force over time, as well as accountability for the expectations of the Department and the community.
- The Policy calls for Tier II Force to be investigated by IAD. §25(b). Tier I investigations remain with supervisor. §25(d).
- The Committee believes rigor and transparency in investigating and reporting Use of Force aligns the expectations of the public with the expectations of the Department, and builds trust and accountability.