

CAMPAIGN ZERO



MODEL USE OF FORCE POLICY

I. GENERAL

This policy sets forth criteria governing the use of force for the [Insert Jurisdiction] to prevent unnecessary force, ensure accountability and transparency, and ensure the community's trust and confidence in the [Insert Jurisdiction] ability to protect and serve.

MISSION. It shall be the utmost priority and mission of [Insert Jurisdiction] Police Department to protect and serve all individuals of [Insert Jurisdiction] and to respect the inherent life, liberty, dignity, and worth of all individuals by preserving human life, and minimizing physical harm and the reliance on use of force, and by conducting their duties without prejudice.

OFFICER'S RESPONSIBILITY AND COMPLIANCE.

All officers are responsible for knowing and complying with this policy and conducting themselves in a manner aligned with this mission. Any violation of this policy will subject the officer to disciplinary action, including and up to termination and criminal prosecution. Supervisors shall ensure that all personnel in their command know the content of this policy and operate in compliance with it.

II. USE OF FORCE

It shall be the policy of [Insert Jurisdiction] that all law enforcement officers must respect and preserve human life at all times and in all situations.

MINIMAL RELIANCE ON FORCE. Law enforcement officers of [Insert Jurisdiction] Police Department shall only use physical force when no other viable option is available and when all non-physical options are exhausted. (See section, "Alternatives to Use of Force"). In all cases where force is used, only the minimum degree of force which is necessary shall be employed. The minimum degree of force is the lowest level of force within the range of objectively reasonable force that is necessary to effect an arrest or achieve a lawful objective. [Model Policy: [Buffalo PD Policy](#) , [San Francisco PD Policy](#)]

To further the aim of minimal reliance on force, all law enforcement officers must carry on their person at all times at least one less-lethal weapon. [[Seattle PD policy](#)]

ALTERNATIVES TO USE OF FORCE. The following is a list of options that may be used instead of physical, non-deadly force [[Seattle PD Policy](#)]:

- De-escalation
- Placing barriers between an uncooperative subject and a law enforcement officer

- Containing a threat
- Moving from a position that exposes law enforcement officers to potential threats to a safer position
- Decreasing the exposure to potential threat by using
 - Distance
 - Cover
 - Concealment
- Communication from a safe position intended to gain the subject's compliance, using:
 - Verbal persuasion
 - Advisements
 - Warnings
- Avoidance of physical confrontation, unless immediately necessary (for example, to protect bystander or witness, or stop dangerous behavior)
- Using verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) Training, to calm an agitated subject and promote rational decision making
- Calling extra resources to assist or law enforcement officers to assist
 - More law enforcement officers
 - CIT law enforcement officers
 - Law enforcement officers equipped with less-lethal tools
 - Crisis Intervention Team, mental health and other health care professionals
- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject through less-lethal means

REASONABLE, PROPORTIONAL, AND NECESSARY FORCE. Law enforcement officers shall use physical force only when it is objectively reasonable, necessary, and proportional to effectively and safely resolve a conflict. Force may only be used if and only if doing so is aligned with the Department's mission of preserving life and minimizing physical harm.

In furtherance of these principles, law enforcement officers may use reasonable, proportional force necessary to:

- Lawfully arrest, detain, or search an individual;
- Overcome active physical resistance;
- Prevent escape of an individual who the law enforcement officer has probable cause to believe has committed a serious crime;
- Defend oneself or others from active and actual physical danger;
- To prevent an individual from engaging in acts of self-harm.

Whether a law enforcement officer's use of force is reasonable will be evaluated based on its conformity with the principles and values outlined in this policy. All law enforcement officers must use the least amount of physical force necessary to achieve one or more of the objectives listed above. While recognizing that this is a higher standard than provided by the controlling U.S. law articulated by the Supreme Court, *Graham v. Connor*, 490 U.S. 386 (1989), this policy recognizes that there are situations whereby the use of force – up to and including deadly force – may be considered legally permissible, but not reasonable or necessary given the range of reasonable alternatives available to the law enforcement officer. In doing so, this policy complies with international law and standards and best upholds a commitment to protect and preserve human life. **Compliance with these principles and values will also help to ensure the safety and protection of law enforcement officers by reducing the need for, and reliance on, unnecessary physical force.**

FACTORS TO CONSIDER IN USE OF FORCE. The following factors may be used to determine whether the law enforcement officer used the appropriate level of force [[LAPD Policy](#)]:

- *The seriousness of the crime or suspected offense.* It will be presumptively unreasonable for a law enforcement officer to use serious physical force against an individual who the law enforcement officer believes or has reason to believe committed a traffic or ordinance violation, misdemeanor, or non-violent felony. That presumption may be rebutted with evidence that the use of force was justified in light of other factors listed here, among others.
- *The level of threat or resistance presented by the individual.* It will be presumptively unreasonable to use serious physical force against an individual that does not pose a current, active, and immediate threat of death or serious bodily injury¹ to the law enforcement officer or bystanders, or to use force against an individual that is engaged in passive resistance only.
- *The risk of escape.* It will be presumptively unreasonable to use physical force against an individual who the law enforcement officer believes or has reason to believe committed a traffic or ordinance violation, misdemeanor, or non-violent felony.
- *The conduct of the individual being confronted by the law enforcement officer.* Serious physical force may only be used if the individual acts in a manner than poses a current, active, and immediate threat of death or serious bodily injury to the law enforcement officer or bystanders. Under no circumstances may serious physical force be used to apprehend an individual engaged in passive resistance only.
- *Whether the officer is using force against an individual who appears to be having a behavioral or mental health crisis, a person with a mental illness, or a person who is otherwise in distress.*
- *The time available to a law enforcement officer to evaluate the situation and decide on a course of action.*
- *The availability of other feasible, less intrusive force options;*
- *The ability of the officer to provide a meaningful warning before using force.*
- *Whether the law enforcement officer believes the individual to be in close proximity to a deadly weapon, or a weapon that can inflict serious bodily injury on the law enforcement officer or bystanders.*
- *The tactical conduct and decisions made by the law enforcement officer preceding the use of force.*

LEVELS OF THREAT FROM SUBJECTS.

- *Compliant.* Subject offers no resistance.
- *Passive Resistance.* Does not respond to verbal commands but also offers no physical form of resistance. Expressing an intent to resist is not considered resistance.
- *Active Resistance.* Physically evasive movements to defeat, avoid, or prevent an officer's attempt at apprehension. Expressing an intent to resist an officer's attempt at control is not considered active resistance.
- *Assaultive.* Aggressive or combative; actively attempting to assault the officer or another person. Expressing an intent to assault an officer or another person is not considered assaultive under this policy.

¹ "Serious bodily injury" means bodily injury that involves (1) a substantial risk of death; (2) protracted and obvious disfigurement; or (3) protracted loss or impairment of the function of a body part, organ, or mental faculty.

- *Life-threatening.* Any action likely to result in serious bodily injury or death of the officer or another person. [[SFPD Policy](#)]

LEVELS OF FORCE. Officers shall strive to use the minimum amount of force necessary to accomplish a lawful purpose, including levels of force lower than the level of threat. **Officers shall not, under any circumstances, use a level of force higher than the level of threat.**

- **Low Level Force.** The level of control necessary to interact with a subject who is or displaying passive resistance or active resistance. This level of force has a low probability of causing injury and includes physical controls such as control holds and other weaponless techniques.
- **Intermediate Force.** This level of force poses a foreseeable risk of significant injury or harm, but is unlikely to cause death. Intermediate force will only be authorized when officers are confronted with active or assaultive aggression and an immediate threat to the safety of officers or others. Certain force options such as OC spray, impact projectiles, and baton strikes are intermediate force likely to result in significant injury.
- **Deadly Force.** Any use of force substantially likely to cause serious bodily injury or death, including but not limited to the discharge of a firearm, the use of an impact weapon under some circumstances, other techniques or equipment, and certain interventions to stop a subject's vehicle.

[[SFPD Policy](#)]

DE-ESCALATION. Prior to using physical, non-deadly and/or deadly force, all law enforcement officers must use proper de-escalation techniques to decrease the likelihood that law enforcement officers will resort to force and to increase the likelihood of cooperation between law enforcement officers and members of the public. [[SFPD Policy](#), [NOPD Policy](#)]

Law enforcement officers shall employ effective communication techniques to engage with individuals who are not compliant with orders by establishing rapport, using the appropriate voice intonation, asking questions and providing advice to defuse conflict and achieve voluntary compliance before resorting to force options. [[SFPD Policy](#)]

Where feasible, all law enforcement officers must determine whether an individual's failure to comply with an order is the result of one of the following factors [[Seattle PD Policy](#)]:

- Medical conditions;
- Mental impairment;
- Developmental disability;
- Physical limitation;
- Language barrier;
- Drug interaction;
- Behavioral crisis; and
- Other factors beyond the individual's control

After evaluating whether the individual's failure to comply with an order is based on one of the factor's listed above, the law enforcement officer must then determine whether physical force,

and what level of physical force, is necessary and appropriate to resolve the situation in a safe manner.

Under no circumstances may a law enforcement officer use force on an individual for insolence, or for running away where the individual does not pose a current, active, and immediate threat to the safety of bystanders, other law enforcement officers, or the primary law enforcement officer. [Settlement Agreement between the U.S. DOJ and [Cleveland PD](#)]

CRISIS INTERVENTION TEAM. When feasible, a Crisis Intervention Team (CIT) consisting of both mental health providers and CIT trained law enforcement officers shall respond to calls for service involving individuals known or suspected to have mental illness or who appear to be in mental or behavioral health crisis. [[SFPD policy](#)]

SUBJECT ARMED WITH A WEAPON - NOTIFICATION AND COMMAND. In situations where a subject is armed with a weapon, officers and supervisors shall comply with the following:

- Upon being dispatched to or on-viewing a subject with a weapon, an officer shall call a supervisor as soon as feasible.
- When notified that officers are dispatched to or on-view a subject armed with a weapon, a supervisor shall as soon as feasible:
 - Notify DEM, monitor radio communications, respond to the incident (e.g., "3X100, Fin monitoring the incident and responding.);
 - Notify responding officers, while en-route, to protect life, isolate and contain the subject, maintain distance, find cover, build rapport, engage in communication without time constraint, and call for appropriate resources;
 - Upon arrival, where appropriate, the supervisor shall assume command, and ensure appropriate resources are on-scene or are responding.
 - Officers and supervisors shall factor into their approach the possibility that a subject suspected of being armed with a weapon is, in fact, unarmed or carrying an object other than a weapon.

[[SFPD Policy](#)]

III. USE OF DEADLY FORCE

The most serious act in which a police officer can engage during the course of their official duties is the use of deadly force. The authority to carry and use firearms in the course of public service is an immense power, which comes with great responsibility. It shall be the policy of the [Insert Jurisdiction] Police Department that law enforcement officers shall NOT use deadly force against another person unless ALL of the following conditions are met:

- The law enforcement officer has an objectively reasonable belief that deadly force is necessary to protect themselves or another person from a subject who is posing a current, active, and immediate threat of death AND;
- The law enforcement officer has exhausted all reasonable alternatives to the use of deadly force, including de-escalation, other reasonable means of apprehending the suspect, defending themselves or others AND;
- The law enforcement officer objectively reasonably believes that using deadly force would not unnecessarily endanger innocent people;

The above circumstances apply to each discharge of a firearm or application of deadly force. Law enforcement officers shall reassess the situation, when feasible, to determine whether the subject continues to pose a current and active threat. A law enforcement officer is not justified in using deadly force at any point in time when there is no longer an objectively

reasonable belief that the suspect currently and actively poses an immediate threat of death, even if deadly force would have been justified at an earlier point in time. [[St. Petersburg PD Policy](#), [SFPD Policy](#), and [Philadelphia PD Policy](#)]

TACTICS PRECEDING THE USE OF DEADLY FORCE. Law enforcement officers shall not contribute to precipitating the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior police procedure to de-escalate, withdraw, take cover or reposition, rather than the immediate use of force. The evaluation of an officer's use of deadly force will include consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. [[Philadelphia PD Policy](#), [LAPD Policy](#)]

VERBAL WARNING. The law enforcement officer shall issue a verbal warning, when feasible, and have a reasonable basis for believing that the warning was heard and understood by the individual to whom the warning is directed prior to using deadly force against the individual.

PAST CONDUCT. A law enforcement officer shall not use deadly force where the only basis for using the deadly force is that the individual posed a threat of committing, or committed, a serious, violent crime prior to the encounter with police. Law enforcement officers are only authorized to use deadly force against a person who *currently and actively* poses an immediate threat of death to other persons and/or the law enforcement officer.

NO DEADLY FORCE IN CASES OF SELF-HARM ONLY. Under no circumstances may a law enforcement officer use deadly force to prevent an individual from self-harm where the individual does not currently and actively pose an immediate threat of either death to the others or to the law enforcement officer. [[SFPD Policy](#)]

MOVING VEHICLES.

- Officers shall not discharge a firearm at or into a moving vehicle unless the occupants of the vehicle are using deadly force, other than the vehicle itself, against the officer or another person, and such action is necessary for self-defense or to protect the other person; shall not intentionally place themselves in the path of, or reach inside, a moving vehicle; and shall attempt to move out of the path of a moving vehicle.
- Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, SHALL NOT be justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle. [[Philadelphia PD Policy](#)]
- Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.
- Officers shall not discharge a firearm from his or her moving vehicle. Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop a threat of another person.

[[SFPD Policy](#)]

NECK HOLDS PROHIBITED. Law enforcement officers shall not use chokeholds, strangleholds, Lateral Vascular Neck Restraints, Carotid Restraints, chest compressions, or any other tactics that restrict oxygen or blood flow to the head or neck.

OTHER PROHIBITIONS ON THE USE OF DEADLY FORCE.

- Law enforcement officers shall not discharge their firearms in defense of property.
- Law enforcement officers shall not use a firearm as a club.

- Law enforcement officers shall not fire warning shots under any circumstances.
- Law enforcement officers shall not discharge their firearms to subdue a fleeing individual who does not currently or actively pose an immediate threat of death to the officers or another person.

Failure to comply with this prohibition is punishable in various ways, including departmental disciplinary action and up to termination and/or criminal prosecution.

DRAWING AND POINTING FIREARMS.

- Law enforcement officers are only authorized to draw their firearms when they reasonably believe there is a current and active immediate threat of death to themselves or another person.
- The pointing of a firearm at a person is a seizure and requires legal justification. No officer shall point a firearm at or in the direction of a person unless there is a reasonable perception of a substantial risk that the situation may escalate to justify deadly force. If an officer points a firearm at a person, the officer shall, if feasible, safe and when appropriate, advise the subject the reason why the officer(s) pointed the firearm.
- When an officer points any firearm at a person, it shall be considered a reportable use of force. Such use of force must be reasonable under the objective facts and circumstances. [[SFPD Policy](#)]

IV. OTHER DUTIES

DUTY TO RENDER MEDICAL ASSISTANCE. All law enforcement officers are required to render and, if necessary, call for medical assistance and other aid to anyone in police custody who the law enforcement officer knows, or has reason to know, is injured, and to anyone who complains of injury. [[Baltimore PD Policy](#)]

DUTY TO INTERVENE AND REPORT. All law enforcement officers must intervene when they reasonably believe that a law enforcement officer is using or is about to use unnecessary or excessive force in violation of this mission, and must report the incident to a supervisor. Failure to report incidents involving the use of unnecessary or excessive force will result in disciplinary action. [[SFPD Policy](#)]

DUTY TO PREVENT THROUGH EARLY INTERVENTION. The [Insert Jurisdiction] Police Department recognizes that through early intervention it [may be possible](#) to avoid the use of excessive force and prevent harm to the community. In this effort, the Department will implement early intervention systems to identify law enforcement officers who are at risk for engaging in the use of excessive force and to provide those law enforcement officers with re-training and appropriate behavioral interventions, re-assignments or other appropriate consequences to eliminate that risk.

V. USE OF FORCE REPORTING AND INVESTIGATIONS

REPORTABLE USES OF FORCE. To promote transparency and accountability of actions involving the use of force against civilians, law enforcement officers shall report any use of force involving physical controls when the subject is injured, complains of injury in the presence of officers, or complains of pain that persists beyond the use of a physical control hold. Officers

shall also report any use of force involving the use of personal body weapons, chemical agents, impact weapons, ECWs (i.e. Tasers), vehicle interventions, K-9 bites, and firearms. Additionally, officers shall report the pointing of firearms or ECWs (i.e. Tasers) at a subject.

NOTIFICATION OF USE OF FORCE. An officer shall notify his or her supervisor immediately or as soon as practical of any reportable use of force. A supervisor shall be notified if an officer receives an allegation of excessive force.

EVALUATION OF USE OF FORCE. A supervisor shall conduct a use of force evaluation in all cases involving a reportable use of force.

EXCESSIVE USE OF FORCE. Every allegation of excessive force shall be subject to the reporting and investigative requirements of this policy, [Insert Jurisdiction] Police Department disciplinary policies, and the [Insert Civilian Oversight Structure].

PROCEDURE:

OFFICER'S RESPONSIBILITY. Any reportable use of force shall be documented in detail in an incident report, supplemental incident report, or statement form. Officers shall complete use of force reports fully and truthfully. Descriptions shall be in clear, precise and plain language and shall be as specific as possible. When the officer using force is preparing the incident report, the officer shall include the following information:

- The subject's action allegedly necessitating the use of force, including any threat presented by the subject;
- Efforts to de-escalate prior to the use of force; and if not, why not;
- Any warning given and if not, why not;
- The type of force used;
- Injury sustained by the subject;
- Injury sustained by the officer or another person;
- Information regarding medical assessment or evaluation, including whether the subject refused;
- The supervisor's name, rank, star number and the time notified.

Each law enforcement officer must submit a report without coaching or assistance from other law enforcement officers present during the incident.

SUPERVISOR'S RESPONSIBILITY. When notified of the use of force, the supervisor shall conduct a supervisory evaluation to determine whether the force used appears necessary and within the provisions of this policy. The supervisor shall:

- Immediately respond to the scene unless a response is impractical, poses a danger, or where officers' continued presence creates a risk. When more than one supervisor responds, the responsibility shall fall on the senior supervisor;
- Ensure the scene is secure and observe injured subjects or officers;
- Ensure that witnesses (including officers) are identified and interviewed, and that this information is included in the incident report. The number of witnesses may preclude identification and interview of all witnesses, however supervisors shall ensure identification to the best of their ability;
- Ensure photographs of injuries are taken and all other evidence is booked;
- Remain available to review the officer's incident report, supplemental incident report and

written statement at the direction of the [Insert Next Rank Officer]. A supervisor shall not approve an incident report or written statement involving a use of force that does not comply with the requirements as set forth above;

- If applicable, ensure the supervisor's reason for not responding to the scene is included in the incident report.
- Supervisors shall complete and submit an evaluation form indicating whether the force used appears reasonable, necessary, and proportional, by the end of shift;
- No supervisor who used, participated in, or ordered reportable force, will conduct the supervisorial evaluation of the incident, unless it is impractical under the circumstances. When a supervisor uses, participates in, or orders reportable force, a [Insert Next Rank Officer] shall determine who will conduct the investigation.

The supervisor shall notify the [Insert Next Rank Officer] and [Insert Civilian Oversight Structure of Jurisdiction] if the supervisor determines that an officer's use of force is:

- Unnecessary, unreasonable, or disproportionate OR;
- Otherwise appears to violate [Insert Jurisdiction] policy OR;
- Results in serious bodily injury or death

POLICE AND CIVILIAN OVERSIGHT INVESTIGATIONS. When notified, the [Insert Next Rank Officer], [Insert Force Investigation Team, if applicable], and an independent investigator from the [Insert Civilian Oversight Structure of Jurisdiction] shall respond to the scene, secure the evidence, initiate on-going investigations into the use of force, and prepare reports to the [Insert Force Review Board and Civilian Oversight Structure] that contain preliminary findings, whether or not the use of force appears to comply with [Insert Jurisdiction] policy, and recommendations.

PROMPT INTERROGATION OF OFFICER(S) INVOLVED

Where an officer's use of force is determined to meet one or more of the conditions specified above, the supervisor will transport the involved officer, if not incapacitated, directly to [Insert Jurisdiction's Internal Affairs Office or Civilian Oversight Structure] for an investigatory interview.

- Officers involved shall be transported separately and shall not be allowed to converse with one another prior to the interview. If additional vehicles are needed; additional supervisors will be summoned to provide transportation.
- At the request of the officer involved, questioning shall be delayed for **no longer than two hours** in order to give the officer an opportunity to consult with a Union representative. [[DC Metropolitan Police Policy](#)]
- Officers involved shall not be permitted to review evidence related to or audio/video content depicting the use of force prior to an interrogation. [[Oakland PD Policy](#)]

INDEPENDENT CRIMINAL INVESTIGATIONS. Criminal investigations shall be initiated into all uses of force resulting in serious bodily injury or death. In addition, if information is obtained at any stage of the process which suggests criminal conduct involving any other use of force, the [Insert Police Chief or Civilian Oversight Structure] shall initiate a criminal investigation into this conduct. This includes criminal conduct while on duty, or while off-duty if the officer purports to act under the color of law, or commits the offense while using police property, equipment, or weapons. To ensure independence and legitimacy, [Insert Jurisdiction] shall include at least two investigators from [Insert Preferred State, Federal, or Neighboring Law Enforcement Agency or Civilian Oversight Structure, as appropriate] in all criminal investigations of [Insert Jurisdiction] law enforcement officers.

PUBLIC RELEASE OF INFORMATION FOLLOWING POLICE USE OF DEADLY FORCE. A press conference and/or an official press statement will be released by the Police Commissioner

or designee within 72 hours of an incident in which an individual was killed or wounded as a result of a use of force by an officer of [Insert Jurisdiction]. The information will include officer's name, years of service, assignment and duty status.

- The release will contain a preliminary summary stating the circumstances of the incident known at the time and based on the facts collected and confirmed by the investigators. The release will provide a brief synopsis of the incident, condition (injuries) of the individual and the proceeding steps of the investigation.
- Names of the individual subject and the officer will be released.
- No information regarding the subject's potential criminal record shall be released unless the officer's disciplinary record is also released simultaneously with this information.
- A preliminary summary based on the facts collected and confirmed by the investigators will be placed on the [Insert Jurisdiction] website.

[\[Philadelphia PD Policy\]](#)

DATA COLLECTION AND ANALYSIS. The Department will collect and analyze information on use of force in its database and Early Intervention System. The Use of Force statistics and analysis will include at a minimum:

- The type of force
- The types and degree of injury to suspect and officer
- Date and time
- Location of the incident
- Officer's unit
- District station where the use of force occurred
- Officer's assignment
- Number of officers using force in the incident
- Officer's activity when force was used (ex. Handcuffing, search warrant, pursuit)
- Subject's activity allegedly requiring the officer to use force
- Officer's demographics (age, gender, race/ethnicity, rank, number of years with [Insert Jurisdiction], number of years as a police officer)
- Subject demographics including race/ethnicity, age, gender, gender identity, primary language and other factors such as mental illness, cognitive impairment, developmental disability, drug and alcohol use/addiction and homeless.
- Outcome of any investigation regarding the use of force including any disciplinary actions that were taken as a result.

[\[SFPD Policy\]](#)