



POLICE USE OF FORCE POLICY GUIDELINES

Updated August 2021

The Policing Project's Use of Force Policy Guidelines outline best practices for police department policies regarding use of force. The resource is designed to provide guidance to police departments, community members, municipal leaders, and prosecutors looking to incorporate best practices into police department policy and officer training.

The original version of this document was developed in early 2019 as part of the Policing Project's role in the [Working Group on Officer-Involved Fatalities](#) at the Institute for Innovation in Prosecution at John Jay College of Criminal Justice, and was included in the [Toolkit for Prosecutors and Communities to Address and Prevent Police-Involved Fatalities](#). The toolkit was the result of a year-long collaboration between family members, prosecutors, police chiefs, and law enforcement and policy experts, including the Policing Project.

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USE OF FORCE PRINCIPLES, GENERALLY

General standards officers must comply with before using force:

1. Do the Department's policies require necessity and proportionality before an officer uses force?
2. Do the Department's policies require the consideration of de-escalation strategies before the use of force commences?
3. Do the Department's policies require that each of an officer's decisions leading up to a use of force to be reasonable (not just the specific use of force at the particular moment that it was applied)?
4. Do the Department's policies require that officers consider a person's specific characteristics, such as age, mental capacity, developmental disability, the influences of drugs or alcohol, and/or language barriers, when determining whether force is appropriate?
5. Do the Department's policies require that officers consider the degree to which officers could accomplish their objective (e.g., arrest) at a later date or time without using force, in light of the severity of the suspected offense?

Circumstances in which use of force is prohibited:

6. Do the Department's policies prohibit use of force to subdue a subject(s) who is not suspected of any criminal conduct, unless necessary to protect an officer's or another person's safety?
7. Do the Department's policies prohibit use of force as retaliation?
8. Do the Department's policies prohibit use of force against a person who only verbally confronts officers and is not involved in criminal conduct?

Using less or no force when threat diminishes or subject is restrained:

9. Do the Department's policies prohibit use of force against a person who is handcuffed or otherwise restrained (because that person does not present a threat)?
10. Do the Department's policies require officers to reduce the degree of force used as a threat diminishes and stop using force once the subject is under control or no longer poses an imminent threat of serious injury to another?

Threatening to use force only when use of force is permissible:

11. Do the Department's policies prohibit officers from threatening to use force in any circumstance in which the officer is not authorized to use force under Department policy?

Duty to identify self as officer and provide clear verbal warning:

12. Do the Department's policies impose a duty on officers—when doing so would not place anyone at a significant risk of injury—to (a) identify themselves as officers and (b) provide a clear verbal warning of the officers' intent to use force, along with clear instructions about what is required to comply, before using force?

Reporting:

13. Do the Department's policies require that officers notify their immediate supervisor or other designated agency reporting entity of any incident involving a reportable use of force? "Reportable use of force" means any application of physical force (including pointing a firearm in the direction of a person or deploying a canine to assist in apprehending a person), other than physical contact used solely for facilitating custody of a compliant person, such as the application of handcuffs on a cooperative arrestee.
14. Do the Department's policies require immediate notification for any incident involving (a) the use of force that results in bodily injury; (b) the discharge of a firearm, whether intentional or unintentional, except in the context of training or qualification; or (c) the discharge of an electronic control weapon?

Discipline:

15. Do the Department's policies make clear that any time an officer uses force or fails to report force in violation of Department policy, the Department will discipline the officer, with the possibility of terminating the officer's employment?

GENERAL STANDARDS GOVERNING THE USE OF DEADLY FORCE

16. Do the Department's policies prohibit officers from using deadly force unless such force is (a) necessary to protect the officer or another from an imminent threat of death or serious injury or (b) used against a person whom the officer has probable cause to believe already killed or seriously injured another person and the officer has reason to believe the person will try to kill another person if not immediately apprehended?
17. Do the Department's policies prohibit officers from using deadly force solely to protect property or against a person who poses a risk of harm only to themselves?
18. Do the Department's policies require all uses of deadly force, whether intentional or unintentional, to be immediately reported and investigated?
19. Do the Department's policies require officers and Department personnel to secure the scene and preserve all evidence following an officer's use of deadly force?

FIREARMS SPECIFIC POLICIES

20. Do the Department's policies consider each firearm discharge as a separate use of force that must be specifically justified?
21. Do the Department's policies require officers to give a verbal warning and identify themselves as police officers before discharging a firearm, when possible?

22. Do the Department's policies prohibit officers from firing warning shots?
23. Do the Department's policies prohibit officers from shooting at or from moving vehicles unless there is an imminent risk of death or serious injury to an officer or another, and that risk cannot be avoided by other means, such as by avoiding the path of the vehicle?
24. Do the Department's policies consider pointing a firearm at a person to be a use of force?
25. Do the Department's policies prohibit officers from pointing firearms in the direction of a person unless the officers reasonably believe the situation may escalate to justify the use of deadly force?
26. Do the Department's policies prohibit shooting through a door, window, or in other circumstances in which the target is not clearly in view?

POLICIES FOR NON-FIREARMS USES OF FORCE

27. Do the Department's policies prohibit maneuvers that may cut off blood or oxygen to a subject's head (e.g., chokeholds, carotid-holds, strangleholds) except when deadly force is allowed?
28. Do the Department's policies prohibit techniques and modes of transport that run a substantial risk of positional asphyxia (e.g., putting a person prone on the ground while restrained)?
29. Do the Department's policies prohibit officers from using weapons to overcome passive or active resistance to effect an arrest of a person suspected only of a misdemeanor who (a) does not pose any risk of imminent harm to officers or others and (b) would not pose a risk of harm to others if not immediately apprehended?
30. Do the Department's ECW (Taser) policies prohibit use against certain "high risk populations," including those who are pregnant, infirm, elderly, or small in size?
31. Do the Department's policies limit intentional weapon strikes (such as with a baton) to the head to only those situations when deadly force is permitted?

POLICIES FOR USE OF CANINES

32. Do the Department's policies prohibit officers from deploying a canine against a person who is suspected only of a misdemeanor or other non-violent crime, including drug crimes?
33. Do the Department's policies prohibit officers from permitting a canine to bite a person unless the person poses an imminent risk of harm to the officer or to another person, and a lower degree of force would not eliminate the risk?

34. Do the Department's policies prohibit officers from conducting an off-leash deployment of a canine to apprehend a person who does not pose an imminent risk of death or serious injury to the officer or another person?
35. Do the Department's policies prohibit officers from deploying or displaying an apprehension canine in any manner at a protest, demonstration, march, or similar event?

POLICIES GOVERNING OFFICERS DUTIES TO INTERVENE, REPORT, AID, & PROVIDE ACCURATE AND TRUTHFUL INFORMATION

36. Do the Department's policies require that an officer intervene to prevent a use of force by a fellow officer when safe to do so and the observing officer knows or reasonably should know his or her fellow officer is using or is about to use force that is not authorized under the Department's policies?
37. Do the Department's policies require that an officer who witnesses another officer engage in what the observing officer knows or reasonably should know to be unauthorized force in violation of Department policy to report the use of force to the observing officer's immediate supervisor (or another designated reporting entity) as soon as possible?
38. Do the Department's policies make clear that officers have a duty to provide complete, accurate, and truthful information in all reports made in accord with the Department's use of force policies?
39. Do the Department's policies require officers to promptly render aid to injured subjects?
40. Do the Department's policies make clear that failure to intervene when the officer has a duty to intervene, failure to report when the officer has a duty to report, failure to promptly render aid when the officer has a duty to do so, and failure to provide complete, accurate, and truthful information will result in discipline, up to and including termination?

POLICIES FOR USE OF FORCE IN RESPONSE TO PROTESTS AND DEMONSTRATIONS

41. Do the Department's policies prohibit officers from discharging kinetic impact projectiles and other less-lethal weapons indiscriminately into a crowd or in a manner that targets the head, neck, pelvis, or groin?
42. Do the Department's policies ban using kinetic impact projectiles against a specific person in a crowd unless (a) such force is necessary to effect a lawful arrest or detention, prevent the destruction of property, prevent the person's entry into a secured area, or protect against imminent harm to the officer; and (b) the officers determine other less-lethal force options that would reduce the risk to bystanders are unavailable?

43. Before permitting an officer to use a chemical agent or irritant to disperse a crowd, do the Department's policies require that the Department's chief law enforcement officer determine that the protest or demonstration constitute an unlawful assembly and that use of force is necessary to disperse the crowd?
44. Before using chemical agents or irritants to disperse a crowd, do the Department's policies require the commanding officer at the scene to issue a clear order to disperse followed by sufficient time and space to allow compliance with the order?

TRAINING

45. Do the Department's policies require that all officers undergo introductory training on all of the above principles and policies?
46. Do the Department's policies require that all officers complete a course or courses of instruction on the following subjects on an annual basis: (a) legal standards for the use of force; and (b) verbal communication and de-escalation strategies, including tactical methods intended to stabilize the situation and reduce the immediacy of the threat (*e.g.*, distance, cover, requesting additional officers, etc.)?
47. Do the Department's policies require that all officers complete a course or courses of instruction on the following subjects at least every 2 years: (a) the duty to intervene, duty to report unauthorized force, and the duty to provide truthful information; and (b) skills and techniques for interacting respectfully and safely with people with intellectual or developmental disabilities or behavioral health issues, as well as individuals in crisis?