

USE OF FORCE (LAW ENFORCEMENT PERSONNEL)

OBJECTIVES

- Staff will learn use of force legal standards
- Staff will review the department's use of force policy

Use of force seems quite complicated, it is guided by our training, equipment, supervision, policy, tactics, and legal standards. How do we tie all of these elements together?

Any discussion on the use of force has to be preceded by the realization that it is one thing to discuss the law and rules concerning its use and quite another thing entirely to apply those rules to the situations faced by law enforcement officers every day. When discussing use of force we cannot address how to use force in the enumerable situations law enforcement officers encounter on a daily basis. When you think about it, we can't. Each factual situation is different from another. Law enforcement officers make split-second judgments-in circumstances that are tense, uncertain and rapidly evolving-about the amount of force that is necessary in a particular situation. We can however review the rules, which apply, and how these rules are used.

DEFINITIONS

Deadly Force: Any use of force that is reasonably likely to cause death.

Non-Deadly Force: Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

Objectively Reasonable: This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

For purposes of this presentation, force can be the use of verbal, manual, and/or mechanical means to compel compliance with a lawful order, overcome resistance, self-defense, or to protect a citizen.

While the legal standard requires officers to use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officers and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The use of force must be objectively reasonable. Law enforcement officers must only use that force which a reasonably prudent officer would use under the same or similar circumstances. Any use of force, whether inherently deadly or not, is governed by this same standard.

USE OF FORCE CONSIDERATIONS

- Law enforcement officers must act reasonably based on the totality of the circumstances. If the force is objectively reasonable, (meaning the force is appropriate based on the known circumstances, e.g., the seriousness of the crime, level of threat or resistance presented by the suspect, and the danger to the community), the force is appropriate. Conversely, if the force is not reasonable, it may be construed as excessive.
- Law enforcement officers should document all uses of force and articulate, in detail, the resistance, extent of force used, and type of force used to control a given situation.
- Don't confuse what an officer "believes" with what an officer deems "knows." What an officer "knows" is critical in determining the appropriateness of an officer's force. What an officer "believes" (or intends) is not relevant.
- Information learned after the fact can't be used to justify any degree of force. Only the information known to an officer at the time is germane.

POLICY

Discuss the department's policies concerning use of force.

CLOSING

- *Encourage discussion about the use of force, the department's policy, and legal standards.*