

## Under Definitions

### Principle

A clear definition of the Use of Force Standard

**Purpose and Scope-** Agencies must continue to evaluate *Graham v. Connor* “as the baseline minimum standard and not the ceiling” and continue to develop best policies, practices, and training on use-of-force issues that go beyond the **minimum requirements** of *Graham v. Connor*.

Officers shall use only that amount of force that appears reasonably necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers shall use alternatives to physical force whenever possible. In all cases where physical force is used, officers shall use the minimum amount of force that is objectively reasonable, objectively necessary, and proportional to effectively and safely resolve a conflict.

A Department’s mission is to safeguard the dignity of life of officers and all members of the community they are sworn to protect and serve. This policy requires more of our officers than simply not violating the law.

**Language:** Officers shall use the minimum amount of force that is objectively reasonable, objectively necessary, and proportional.

- The U.S. Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), held that, in order to comply with the U.S. Constitution, an officer’s use of force must be objectively reasonable under the totality of circumstances known to the officer at the time. Additionally, these standards merely set the minimum standard for police conduct, below which an officer’s conduct would be regarded as unlawful.
- It imposes a higher duty upon officers to use the minimal amount of force objectively necessary to safely achieve their legitimate law enforcement objective. And, second, this policy imposes a stricter obligation on officers to exert only such force that is objectively proportionate to the circumstances, requiring a consideration of the seriousness of the suspected offense, the availability of de-escalation and other less aggressive techniques, and the risks of harm presented to members of the public and to the officers involved.

## Research Documents

<https://www.policeforum.org/assets/30%20guiding%20principles.pdf>

“The Supreme Court provides broad principles, but leaves it to individual police agencies to determine how to incorporate those principles into their policies and training, in order to teach officers how to perform their duties on a daily basis.”

*Graham v. Connor* is the common denominator across the United States, but many police departments

have chosen to go beyond the bare requirements of Graham.

#### **Assessing Police Use of Force Policy and Outcomes- ACLU study**

<https://www.ncjrs.gov/pdffiles1/nij/grants/237794.pdf>

#### **Policing Project NYU School of Law**

<https://www.policingproject.org/use-of-force-policy-guidelines>

#### **Under Pillar 2 - 21st Century Policing/ COPS/Obama**

[https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

“They also need to be clearly articulated to the community and implemented transparently so police will have credibility with residents and the people can have faith that their guardians are always acting in their best interests”

#### **Example Policy Language**

##### **Denver, CO**

[https://www.denvergov.org/content/dam/denvergov/Portals/720/documents/OperationsManual/OM\\_SBook/OM\\_Book.pdf](https://www.denvergov.org/content/dam/denvergov/Portals/720/documents/OperationsManual/OM_SBook/OM_Book.pdf)

##### **Berkeley, CA**

[https://www.cityofberkeley.info/uploadedFiles/Police\\_Review\\_Commission/Commissions/2020/2020-06-26-UOF-3rd-handout-Working%20Draft%20Policy%20300%206-25-2020.pdf](https://www.cityofberkeley.info/uploadedFiles/Police_Review_Commission/Commissions/2020/2020-06-26-UOF-3rd-handout-Working%20Draft%20Policy%20300%206-25-2020.pdf)

##### **Camden NJ**

[http://camdencountypd.org/wp-content/uploads/2020/06/CCV3C2-Use-of-Force-Policy.pdf?fbclid=IwAR1cYQKhTpGGmxjYss3hz28VB6JxnksiD\\_scTzIMVX84F6T0POj5jzBb47w](http://camdencountypd.org/wp-content/uploads/2020/06/CCV3C2-Use-of-Force-Policy.pdf?fbclid=IwAR1cYQKhTpGGmxjYss3hz28VB6JxnksiD_scTzIMVX84F6T0POj5jzBb47w)