

# NEW ERA OF PUBLIC SAFETY

AN ADVOCACY TOOLKIT FOR FAIR, SAFE,  
AND EFFECTIVE COMMUNITY POLICING

# USE OF FORCE

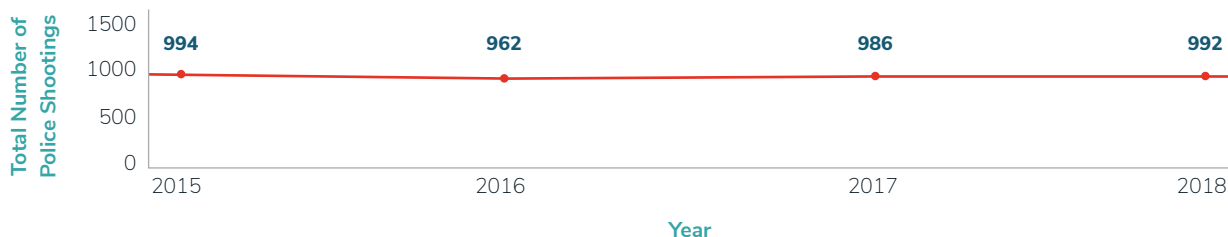


Excessive force is consistently a complaint against police, especially for people of color.<sup>52</sup>

Discriminatory, unnecessary, and unconstitutional use of force by officers is a primary concern for communities, particularly people of color, women, gender nonconforming people, LGBTQ people, youth, undocumented immigrants, people with limited English proficiency, people with disabilities, religious and ethnic groups, low-income people, and people experiencing homelessness.

Police shootings are the most serious and commonly discussed forms of lethal force. Over the past several years, police killings of Black people have ignited — and reignited — mass movements across the country, prompting investigations of individual officers for discriminatory practices and of departments for systemic discrimination.

**Police Shootings in the United States, 2015-2018**



Source: *The Washington Post*. *Police Shootings Database*. Retrieved from <https://www.washingtonpost.com/graphics/national/police-shootings-2018/>

Force also includes deployment of less-lethal instruments, including Tasers, pepper spray, tear gas, batons, and canines, as well as the use of physical force, such as chokeholds, hogtying, and other forms of bodily restraint. Sexual misconduct by police officers can involve the use or threat of force.

We must address police officers' use of excessive, discriminatory, and unconstitutional force when assessing law enforcement and public safety strategies.

## Key Challenges

### **Discriminatory force:**

Police officers are more likely to use force, including lethal force, against Black, Latinx, Indigenous, and Asian people than against White people.

### **Lethal force:**

Police officers kill approximately 1,000 people a year.<sup>53</sup>

### **Lethal responses to people in mental health crisis:**

Roughly one-quarter (24 percent) of incidents of people killed by police from 2015 to 2018 involved people who displayed signs of unmet mental health needs.<sup>54</sup>

### **Tasers and other less lethal instruments:**

"Less lethal" instruments are intended to be safer substitutes for lethal force. But alternatives to lethal force, such as Tasers, are still deadly. Police officers killed more than 1,000 people with Tasers from 2000 to 2017.<sup>55</sup> Police officers also use them inappropriately in situations where lethal force is not warranted, and against vulnerable populations, such as pregnant people, youth, older people, people with disabilities, people with unmet mental health needs, and people who are under the influence of drugs or alcohol.

# Making Change

## **Prioritize respecting and protecting human life and ensuring safety for all.**

Use-of-force policies and trainings must reflect a commitment to respect and protect human life, including the lives of people who are suspected or accused of violating the law, and must clearly limit the use of lethal force, with few exceptions. Force must be necessary and proportional to the threat.

## **Provide all officers with training to mitigate uses of force.**

Departments should train all officers in mitigating the use of force, including, but not limited to, topics such as crisis response, de-escalation, implicit bias, cultural awareness, procedural justice, and leadership. Trainings should be ongoing and scenario-based.

## **Use the least amount of force.**

Use-of-force policies and trainings should require officers to use force only when there is an imminent threat of death or serious injury (to themselves or others) and to use the least amount of force necessary. Policies should prioritize and describe in detail de-escalation techniques,

including disengaging, using verbal persuasion, waiting a situation out, and taking cover. Policies should also specifically prohibit officers from, and departments should discipline officers for, using force:

- In retaliation or against people who verbally confront officers.
- Against people who are handcuffed or otherwise restrained.
- To subdue people who are not suspected of violating the law, unless necessary to protect public safety.

## **Limit the use of force against vulnerable populations.**

Policies and trainings should include clear and specific limits on the use of force against pregnant people, youth, older people, people with disabilities, people with unmet mental health needs, and people who are under the influence of drugs or alcohol.

## **Place limitations on instruments and tactics.**

Use-of-force policies and trainings should include clear and instrument-specific guidelines for proper use, especially for military-grade weapons. These guidelines should also detail restrictions and prohibitions.

### **Establish a duty to intervene and provide medical assistance.**

Use-of-force policies and training should require officers to intervene and report when an officer uses excessive force and to render aid to injured people until medical assistance arrives.

### **Ensure accountability.**

Departments should establish fair, thorough, objective, and transparent processes to review and evaluate all force incidents in a timely manner. The community should be involved in formulating use-of-force policies, and the department should release and make public information about serious and lethal uses of force when possible, and as quickly as possible. Disciplinary actions should be initiated whenever officers violate policy; and disciplinary policies and enforcement actions in use-of-force incidents should be made publicly available.

### **Establish reporting requirements.**

Departments should require and train officers to report every use of force (except for handcuffing or escorting a person with no resistance, injury, or complaint of injury). Reports should explain the tactics the officer employed before using force and provide a detailed justification for each use of force. Officers who witness more serious uses of force (e.g., the use of a Taser, baton, or physical force that could cause serious injury) should write a

force statement to be submitted with the force report. Supervisors should formally investigate all use-of-force reports and analyze them for broader patterns.

Departments should regularly make public data in alternative and accessible formats on departmentwide uses of force, including: date, time, and geolocation of the incident; actual or perceived race, ethnicity, age, and gender of the people involved; reason for enforcement action; search conducted (if any) and if it was consensual; evidence located (if any); and a unique identifier for the officer(s) involved.

### **Firearms**

Officers should not holster, draw, point, or show their firearms unless they have a reasonable, nondiscriminatory basis to believe that there is an imminent threat of death or serious injury (to themselves or others).

All uses of firearms, including pointing one at someone, should be immediately reported and investigated.



### **Car and Foot Pursuits**

Policies should limit car and foot pursuits to situations in which an individual poses a serious threat to public safety.

Policies should explicitly prohibit officers from shooting at or shooting from moving vehicles.



### **Pregnant People**

Police officers should not force pregnant people to the ground facedown or rear-handcuff them. Officers should not use Tasers on pregnant people.

## Chokeholds



Departments should explicitly prohibit the use of chokeholds, hogtying, and other methods of restraint that cut off the supply of oxygen to the brain or contribute to suffocation, or positional asphyxia, including placing an officer's weight on a person's back while they are face down on the ground.

## Canine Units



Police officers should not use canine units for force or intimidation, to subdue a suspect, for crowd control, or against pregnant people, youth, older people, people with disabilities, people with unmet mental health needs, or people who are under the influence of drugs or alcohol.

Dog handlers should get supervisor approval before deploying a canine for any purpose, give a verbal warning before using a canine that is trained to bite, and call off the canine as soon as possible.

## Tasers



Use of tasers should be prohibited except in situations where lethal force would be authorized.

Departments should prohibit the use of Tasers against individuals who are suspected or accused of minor offenses, who pose no danger to the officer, or who are fleeing the scene of a minor offense.

Departments should strictly prohibit the use of Tasers against high-risk groups, such as pregnant people, older people, young children, or people who are visibly frail, have known heart conditions, are in a medical or behavioral crisis, are under the influence of drugs or alcohol, or who have slight builds. Tasers also should not be used on vulnerable parts of the body (i.e., the head, neck, chest, or groin).

Departments should require officers to use verbal de-escalation techniques and provide a verbal warning before using a Taser. Officers should give the individual a reasonable amount of time to comply with their requests and report the justification for each use of a Taser.

## SWAT Teams



Special Weapons and Tactics (SWAT) teams are highly militarized teams created to handle hostage situations, active shooter situations, and terrorism. Some police departments are now using them to execute drug warrants. Departments should use SWAT teams only when officers cannot otherwise safely execute a search warrant or negotiate a situation.

SWAT team members should be specialized and receive ongoing training to reduce the use of force.

# How to Advocate for Change

## **Change the law.**

Advocate for the passage of legislation that specifically states when the use of lethal force is prohibited and allowed, bans or regulates certain types of force, and creates mechanisms for individuals to hold officers and departments accountable for violations of the law.

## **Pressure community/civilian oversight boards.**

Community members can call on a community/civilian oversight board to conduct proper and thorough investigations of critical incidents including police misconduct and use of excessive force.

## **Strengthen policies.**

Pressure the mayor, police chief, or sheriff to adopt or strengthen existing department policies and oversight.

## Talking Points

### **Keep everyone safe.**

Respect and protect human life and ensure safety for all by requiring and training officers to use de-escalation practices and techniques that do not rely on force. These practices and techniques are safer for both community members and officers.

### **Reduce violence.**

Public safety includes safety from police violence.

### **Promote trust.**

Clear policies that protect people's constitutional and human rights increase community trust and confidence in the police department and reduce fear during police encounters.

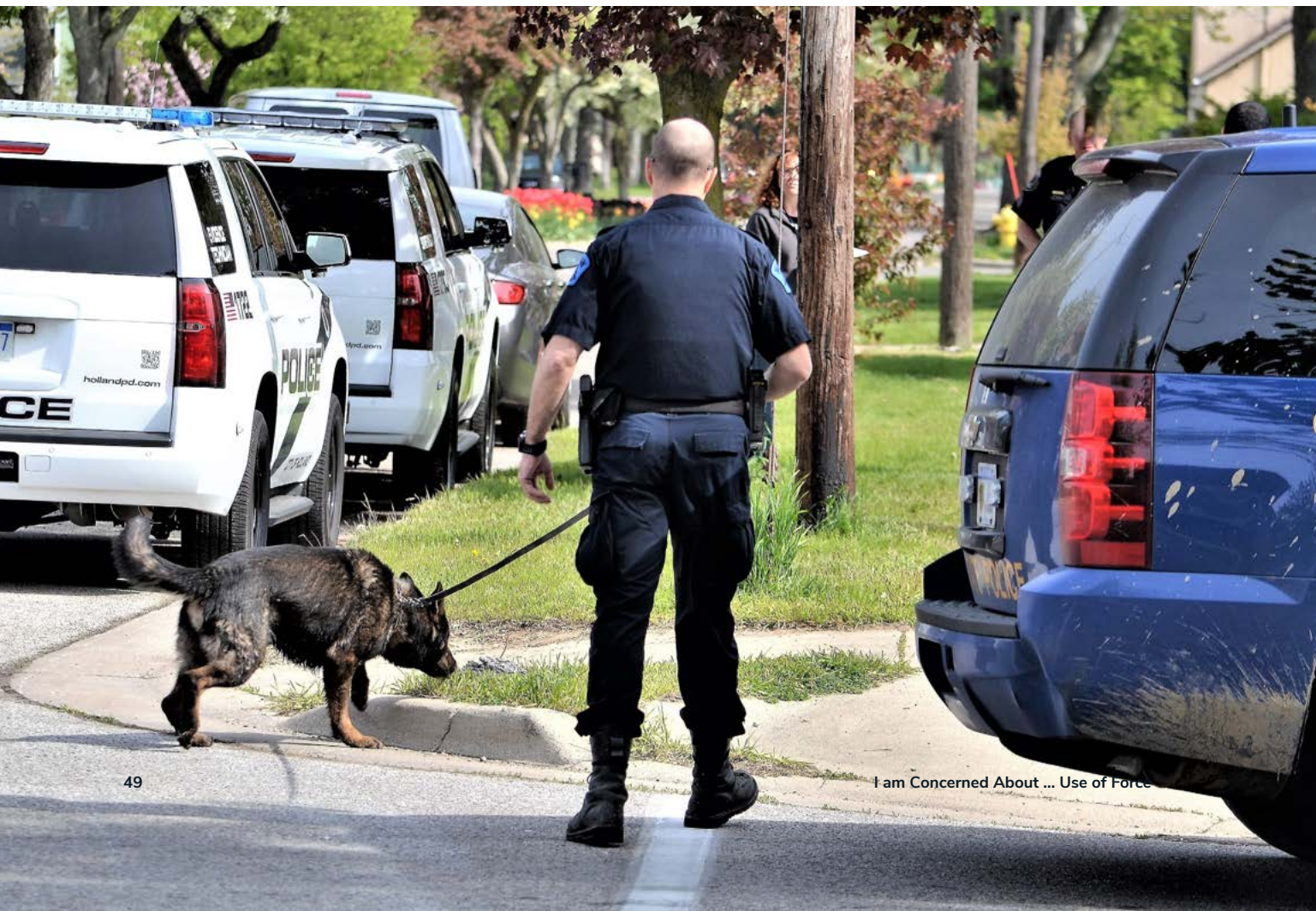
# Overcoming Opposition

## The Opposition:

“Policing is a dangerous job. Officers need to protect themselves when they feel threatened so they can stay safe and go home at night to their families.”

## Overcoming the Opposition:

“Requiring officers to use de-escalation techniques, and training them to do so, increases everyone’s safety during police encounters, and actually makes both officers and bystanders safer. Escalating situations increases the likelihood of an instrument malfunctioning, retaliation, injury to bystanders, and force being used against officers. When officers de-escalate situations and defuse conflicts, everyone is safer.”







## IX. ENDNOTES

### III. I am Concerned

#### About ...

<sup>52</sup> Langton, Lynn and Whyde, Anthony. (2018). *Contacts Between Police and the Public*, 2015. US Department of Justice. Retrieved from <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6406>.

<sup>53</sup> *Ibid.*

<sup>54</sup> See "Report of the New Jersey Senate Judiciary Committee's Investigation of Racial Profiling and the New Jersey State Police." New Jersey State Senate. June 11, 2001. Retrieved from <https://www.njleg.state.nj.us/RacialProfiling/sjufinal.pdf>.

<sup>55</sup> See "Police Have Killed More than 1,000 People with Tasers since 2000." PBS. September 23, 2017. Retrieved from <https://www.pbs.org/newshour/show/police-killed-1000-people-tasers-since-2000>.





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