

USE-OF-FORCE POLICY GUIDELINES

The following checklist, developed by the Policing Project at New York University School of Law, outlines best practices on use of deadly force. Prosecutors can encourage their local police department to incorporate these best practices in their training and policy, and prosecutors can consider these questions when determining reasonableness in officer-involved critical incidents.

The Policing Project is dedicated to strengthening the relationship between police and the communities they serve by developing best practices for policing agencies, promoting transparency around policing policies and practices, facilitating community involvement in setting policing policies and priorities, and promoting data collection and cost-benefit analysis of policing.

USE OF FORCE PRINCIPLES, GENERALLY

1. Do the Department's policies emphasize necessity, de-escalation, and proportionality when using force?
2. Do the Department's policies require that each of an officer's decisions leading up to a use of force be reasonable (not just the specific use of force at the particular moment that it was applied)?
3. Do the Department's policies require that officers consider a person's specific characteristics, such as mental capacity, developmental disability, the influences of drugs or alcohol, and/or language barriers, when determining whether force is appropriate?
4. 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?
5. Do the Department's policies prohibit use of force as retaliation?
6. Do the Department's policies prohibit use of force against a person who only verbally confront officers and is not involved in criminal conduct?
7. 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)?
8. Do the Department's policies impose a duty to intervene on officers during improper force?
9. Do the Department's policies require officers to promptly render aid to injured subjects?
10. Does the Department's policy require all uses of deadly force, whether intentional or unintentional, to be immediately reported and investigated?

FIREARMS SPECIFIC POLICIES

1. Do the Department's policies consider each firearm discharge as a separate use of force that must be specifically justified?
2. Do the Department's policies require officers to give a verbal warning and identify themselves as police officers before discharging a firearm, when possible?
3. Do the Department's policies prohibit officers from firing warning shots?
4. Do the Department's policies prohibit officers from shooting at or from moving vehicles?
5. Do the Department's policies consider pointing a firearm at a person to be a use of force?
6. 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

1. Do the Department's policies prohibit maneuvers that may cut off blood or oxygen to a subject's head (e.g., choke holds, strangleholds) except when lethal force is allowed?
2. 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)?
3. 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?
4. Do the Department's policies limit intentional weapon strikes (such as with a baton) to the head to only those situations when lethal force is permitted?