

## Use of Force Policy Elements

**Line of Business:** Law Enforcement Liability

**Risk Control Strategy/Key Issues:** Development of a Use-of-Force policy to reduce the potential liability consequences from the improper use of force.

### Suggested Program Elements:

1. **Policy statement:** A general statement from the head of the organization noting that the policy establishes guidelines and procedures for the use-of-force. The statement should also assign responsibilities and accountability for policy enforcement to an individual within the organization with the authority to implement all written procedures and controls within the organization.
2. **Training:** All deputies should be thoroughly trained in use-of-force policy. This training should be continual and documented. Use of Force options, decision guidance and decision tree structure should be reviewed with all sworn and non-sworn staff. Employees' may not have the time to think and then act in a rapidly developing situation. However, behavioral studies have shown that individuals who have pre planned potential actions that they would take in varied emergency situation will react faster and more decisively in emergency situations. Relying exclusively on employees to educate themselves on operations policies can leave it open to increased liability exposure.
3. **Use-of-Force Policies:** The policy should be designed to guide officers in maintaining a constant readiness and ability to act in instances where the use of force may be appropriate. The policy should include unambiguously define what use-of-force tools an officer may carry; how often an officer must qualify with use-of-force tools; should be fair and consistent; be the "custom" and "practice" of the department; and procedures on handling the aftermath of a use-of-force incident to include an officers rights, responsibilities, and accountability.
4. **Use-of-Force Policies Should:**
  - Include a "limited" number of "standards."
  - Be reviewed annually
  - Be "authorized" by all substantially interested parties
  - Include coverage of any special units, or tools, (e.g. canines)

#### **The policy should not:**

- Set standards that violate any applicable federal law
  - Set standards that violate any applicable state law
  - Be unrealistic in being too complicated for competent understanding and application
  - Include unnecessary platitudes
5. **Incident Reports:** Written reports on all incidents should be made to document actions. The memory of the officers involved regarding the rapidly developing situations that often take place will be affected as time progresses. Time to think and recover from a situation should be provided to the officers involved. Immediate debriefing by multiple senior personnel should be against departmental policy only one statement should be taken after the officer(s) has had time especially after a deadly force situation. The body and mind need to recover from the adrenaline in the officers system. An incident report completion time frame should be established and enforced with no exceptions permitted by supervisory personnel. Superior officer sign off should be required on all incident reports to indicate review and acceptance.

**Program Activities Calendar:**

- Routine deputy training on use-of-force policy
- Review each use of force report
- Review policy annually
- Annually evaluate department performance

**Web Site Links:**

- United States Department of Justice  
<http://www.justice.gov/>
- OSS Law Enforcement Advisors  
<http://www.ossrisk.com>

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