

NATIONAL CONSENSUS POLICY ON THE USE OF FORCE¹

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Earlier this year, the International Association of Chiefs of Police released its “National Consensus Policy on Use of Force,” a remarkable document if for no other reason than the fact that a dozen different police organizations were able to reach a consensus on anything, let alone a topic as important as use of force.²

In the press release that accompanied the policy, the organization stresses that the policy is “solely intended to serve as a template for law enforcement agencies to compare and enhance their existing policies.” Many departments will see the policy as something far more than that, and may move to adopt it wholesale. This may work for your agency, but if that’s the route you are planning, please keep in mind that this policy is the “newest thing” and, like all new things, there could be bugs that need to be worked out (lawn darts, cell phones that explode - I’m looking at you). With that said, my opinion of the policy is that it is an excellent piece of work that reflects current thinking in professional law enforcement, which stresses de-escalation and seeking alternatives to force. If you are thinking of adopting all, or some, of the policy, there are a few things worth considering:

- There is a clear move away from “the force continuum.” This change has been underway for quite some time, but

moving from a continuum to a more fluid force model will require a real change in mindset for most officers, a change that will require patience and training. Adopting the policy, without providing that training, would be a mistake.

- “De-escalation” has gone from a buzzword to a way of life, and the model reflects that. De-escalation is not just recommended in the model it is required. As I mentioned at our year end meeting, and in Legal Updates through the year, this is the thinking that permeates the Courts’ decisions nationwide, so we could expect that it would become the norm in professional law enforcement. Frankly, I was a little surprised that this policy came out so quickly on the heels of some of those decisions. Makes me look smarter than I am!
- Like most current use of force policies, the model calls for only “reasonable force” but now also cautions that this force should only be used when “no reasonably effective alternative appears to exist”. Again, this will be a drastic change for many. The thinking throughout this model, and throughout the courts of the land, is that officers should be looking to find lesser alternatives, not just to justify the alternative they chose. In other words, the question to be asked becomes, “Just because I CAN use a level of force, does that mean that I SHOULD use that level of force?”
- De-escalation calls for a “tactical repositioning,” a phrase apparently chosen over “retreat” for obvious reasons, not

¹The Policy may be found at: http://www.theiacp.org/Portals/0/documents/pdfs/National_Consensus_Policy_On_Use_Of_Force.pdf

²In addition to the IACP, contributing agencies include CALEA, N.O.B.L.E., the National FOP and eight other agencies or organizations.



the least of which is the fact that officers are indoctrinated in a philosophy of stand and fight, and this will, again, be a complete change in thinking from prior years for some. Given that this particular theme has been incorporated into training for at least the last few years, however, it should not prove as drastic as some of the other evolutions in professional policing seen in the model.

- The model addresses vascular restraints and chokeholds. If you don't know the difference between these two, or have a policy that forbids both, you should look very carefully at the model before adopting it wholesale.
- In another theme addressed at the year-end meeting and Updates, the model calls for force not to be used on restrained individuals, unless there is an "imminent threat." This is a higher standard for law enforcement, and reinforces that courts, and the public, look extremely unfavorably on using force (most especially, tasers) on handcuffed prisoners. The model does not forbid the practice, but places a very high burden on officers who do so.
- The policy incorporates a duty to intervene to stop an excessive use of force by another officer. This was always the duty of police officers, but placing it in the policy drives home the point, and gives it a higher priority than it may have previously received.
- It is expected, and drawn into the policy, that officers will, whenever possible, give commands and wait for

compliance. That is not to say that "drop the gun!" needs to be followed by a ten second interval before firing, as immediate threats require immediate action, but rather, recognizes that civilians given orders by police may need a few seconds for their brains to catch up, and comply.

- The deadly force part of the policy marks a sharp change in policy for most, as it calls for an officer to use deadly force only when there is an "immediate" threat of death or serious bodily injury, not just an "imminent" threat. The distinction will likely be lost on some without the proper training, but the change in language is no accident. Some cases in other jurisdictions suggest that officers have fired on people where they didn't have to, because the "imminent threat" standard allowed for unconstitutional action. By changing to "immediate threat" officers are held to a higher standard, and the philosophy of deadly force as a last resort, is reinforced.

As I said, I find this Consensus Policy to be very good, and recommend you look into adopting some, or all of it, into your own use of force policies. Please do so with an open mind, but also with open eyes, as you may not want to merely put your department's name on the top. Get some input (buy-in) from the troops, utilize only so much of it as you find useful and consistent with your department's training and philosophy, and make sure there is plenty of training, especially if the parts that you adopt are a drastic change from your existing policy.