

# Still Clinging to a Use of Force Continuum or Labeling Force Levels? You're at Risk!

***Presented by:***  
**Bruce Praet**



# About Lexipol

- We help law enforcement agencies **reduce liability** and effectively **manage their policy content**
- 150+ state-specific policies and daily training
- Automatic policy updates
- Easy-to-use, web-based platform and mobile app
- Used by more than **2,700** public safety agencies in **29 states**

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# Bruce Praet



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*Co-Founder*

Lexipol


# Does your Use of Deadly Force Policy read something like this?




*“Officers may use deadly force whenever the life of the officer or others is in an imminent threat of death or great bodily injury.”*

# Scenario

Officers make a high-risk car stop on a possible robbery suspect.



Contrary to orders, the driver exits and begins to draw a metallic object from his waistband.



**BANG!!**  
Officers fire, killing the driver.



An inspection reveals that the driver was reaching for a chrome lighter.



# GOOD SHOOTING?



# Check Your Policy



*“Officers may use deadly force whenever the life of the officer or others IS in an imminent threat of death or great bodily injury.”*



# Check Your Policy

WAS anyone's  
life in imminent  
danger from a  
chrome lighter?

**OOPS!!**

It's too late to  
change your  
policy after  
the shooting.

# *Graham v. Connor*

Abandoned old 14<sup>th</sup> Amendment  
“shock the conscience” standard



Adopted Fourth Amendment  
“objective reasonableness” standard



Accounts for split-second judgments  
without the benefit of 20/20 hindsight

# Lexipol Policy

Policy  
300

Lexipol Global Master Agency  
Policy Manual

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this [department/office] is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

### 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. [Officers/Deputies] are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

[Officers/Deputies] must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The [Anytown Police Department] recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting [officers/deputies] with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

“An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.”

**Critical Factor:** Ongoing updates with latest language from courts.

# Documenting Use of Force

Include everything you want jury to know

Make sure it makes sense before it's finalized

Explain meaning of facts from an officer's perspective  
(i.e., educate the jury)

Statement/report will be the “script” for trial

# Defining Deadly Force



Overly broad definition can backfire (e.g., K9s, carotid restraint)

Lexipol policy: “Force reasonably anticipated and intended to create a substantial likelihood of causing death or serious bodily injury.”

# ***Scott v. Harris***


Strong endorsement of video systems



Look to the suspect's conduct



"No magical on/off switch for what constitutes 'deadly force.'"



Single question: Was the force objectively reasonable under the totality of the circumstances presented to the officer at the time?

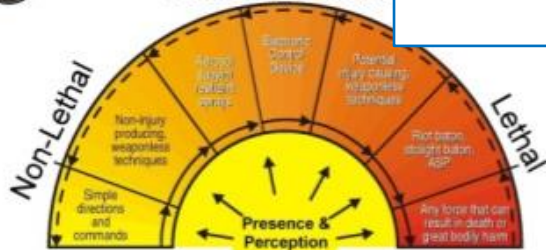
# Death of the Continuum of Force



## USE OF FORCE CONTINUUM

Force is used "when and only to the extent

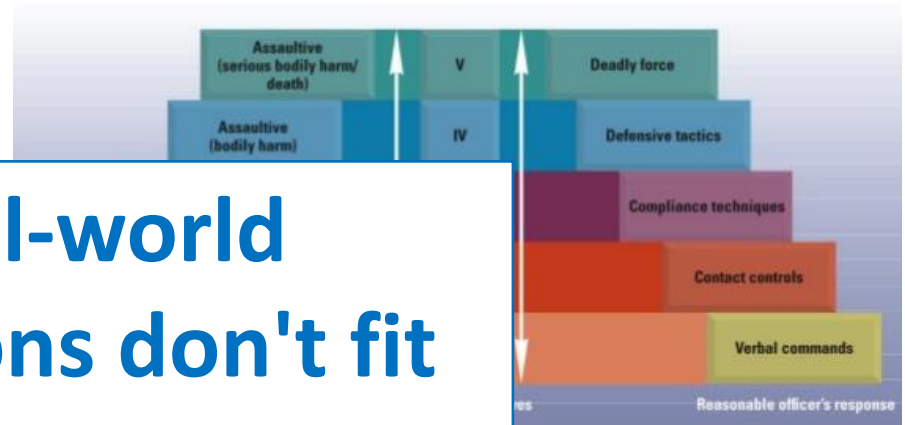
Less Than Lethal



**Reasonably Necessary** means that no reasonably effective alternative appears to exist and the amount of force used is reasonable to effect the lawful purpose intended.

Each situation may require a different "path" through the Force Continuum. You should be able to **escalate** as well as **de-escalate** through the Continuum. The ability to **disengage** is imperative.

Real-world situations don't fit into artificial graphs.

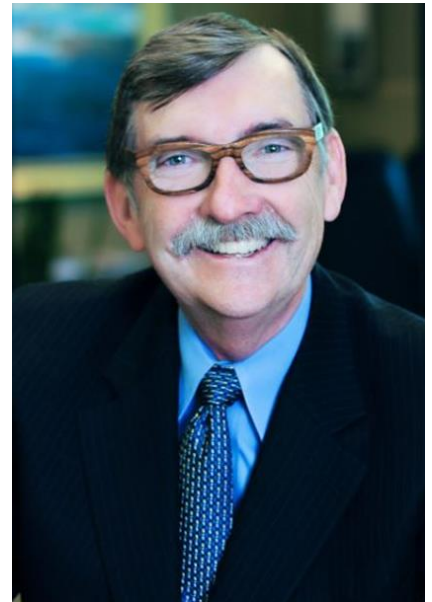






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## **Questions?**

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