

Subject: Use of Force Core Principles		
Directive Number 101.1	Effective Date 09-12-16	WILEAG

This Directive consists of the following numbered sections:

- I. Purpose
- II. Policy
- III. Applicability
- IV. Definitions
- V. Procedures

I Purpose

This section outlines the McFarland Police Department’s core principles relating to the use of force. These general principles provide the foundation for the more specific policies governing the application, reporting, investigation and review of force. The Department recognizes that officers will face unique and challenging circumstances not specifically addressed in this directive. Officers are expected to apply these core principles reasonably in unanticipated situations.

II Policy

The preservation of human life is of the highest priority in the core values and mission of the McFarland Police Department. This directive clearly articulates the Department’s core principles relating to the use of force.

III Applicability

This directive is applicable to officers performing official police duties, on or off duty.

IV Definitions

In a police setting, as used in this Directive:

- A. *Objectively Reasonable.* The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light

of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight and what facts are discovered after the incident has been brought to conclusion.

The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions (in circumstances that are tense, uncertain, dynamic and rapidly evolving) regarding the amount of force that is necessary in a particular situation.

The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

- B. *Necessary.* Officers will use physical force only when no timely and/or reasonably effective alternative appears to exist, and only then to the degree which is reasonable to affect a lawful purpose.
- C. *Proportional.* The level of force applied must reflect the totality of circumstances surrounding the situation, including the presence of imminent danger to officers or others. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be objectively reasonable and necessary to counter it.
- D. *Totality of Circumstances*
 - 1. The severity of the crime
 - 2. Whether the suspect poses an immediate threat to the safety of others
 - 3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight

V. Procedures

- A. Every Member of the McFarland Police Department shall be committed to upholding the Constitution and Laws of the United States, and defending the civil rights and dignity of all individuals, while protecting human life and property and maintaining civil order.
 - 1. It is the desire of the McFarland Police Department to serve our community and accomplish the police mission with the cooperation of the public as effectively as possible, and with minimal reliance upon the use of physical force.
 - 2. The community expects and the McFarland Police Department requires that officers use only the force necessary to perform their duties and that such force be proportional to the threat or resistance of the subject under the circumstances.

3. An officer's commitment to public safety includes the welfare of members of the public, the officer, and fellow officers, with an emphasis on respect, professionalism, and protection of human life, even when force is necessary.
4. Officers who violate those values by using objectively unreasonable force degrade the confidence of the community, violate the rights of individuals upon whom unreasonable force is used, and may expose the Department and fellow officers to legal and physical hazards.
5. Conversely, officers who fail to use timely and adequate force when it is necessary may endanger themselves, the community and fellow officers.

- B. When the safety and wellbeing of the Officer(s) and public is not jeopardized, the totality of the circumstances permit and sufficient time exists, Officers shall consider and attempt to utilize de-escalation tactics or alternatives solutions in order to minimize as best they can the need for the use of force.

Additional guidance on how to reduce the need to use force may be found in section 101.A of this manual.

- C. Many times the use of force is unavoidable, and an Officer must exercise physical control of a violent, assaultive, or resisting individual to make an arrest or to protect members of the public and officers from risk of harm. In doing so:

1. Officers should recognize that their actions and conduct prior to the use of force may be a factor which can influence the level of force necessary in a given situation.
2. Officers should take reasonable care that their actions do not precipitate an unnecessary, unreasonable, or disproportionate use of force, by placing themselves or others in jeopardy, or by not following policy or training.
3. Officers should continually assess the situation and changing circumstances, and adjust or modify the use of force appropriately.

Guidance on when force is authorized may be found in section 101 of this manual

- D. Each Officer is responsible for explaining and articulating the specific facts, and reasonable inferences from those facts, which justify the officer's use of force.
1. The officer's justification will be reviewed to determine whether or not the force used was within directive.

Additional guidance on reporting force may be found in section 101 of this manual.

- E. The McFarland Police Department recognizes the magnitude of the responsibility that comes with the constitutional authority to use force and is committed to

upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after every use of force incident.

This responsibility includes maintaining vigorous standards and transparent oversight systems to ensure accountability to the community in order to maintain their trust. Therefore, the Department thoroughly reviews and evaluates every reported use of force. Additionally, the Department promotes:

1. An emphasis on de-escalation techniques as a viable alternative.
2. The provision of effective training and equipment.
3. Objective review and analysis of all incidents of reportable force.

Additional guidance on the Department's review of force may be found in section 101 of this manual.

- F. The McFarland Police Department recognizes that a strong partnership between the Department and the community is essential for effective law enforcement and public safety.

This Directive was implemented on 09-12-16, and will supersede any previously existing policies, arrangements, or understandings to the contrary.

BY ORDER OF THE CHIEF:

Craig J. Sherven
Chief of Police

Revised: No revision as of today's date