

**Attachment to 10/19/12 ACLU-OR Memo to Chief Reese  
Proposal re changes to 1010.00 Draft**

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**1010.00 Application of Force**

Index: Title:

Refer: ORS 161.015 (7) Physical Injury, defined  
ORS 161.205 – 161.265 Use of Physical Force  
DIR 630.45 Emergency Medical Custody Transports  
DIR 630.50 Emergency Medical Aid  
DIR 910.00 Field Reporting Handbook Instructions  
DIR 940.00 After Action Reports  
DIR 1030.00 Baton Use  
DIR 1040.00 Aerosol Restraints  
DIR 1050.00 Less Lethal Weapons and Munitions  
DIR 1051.00Taser, Less Lethal Weapon System  
Force Data Collection Report (SSD)  
After Action Report (CHO)

It has long been the Bureau's stated goal and practice to rely on ~~as little~~the least amount of force ~~as practical-necessary while to~~ performing its duties safely and effectively. Community members expect their police officers to avoid or minimize the use of force when taking criminal suspects into custody or providing help to people who are in mental, emotional or health crisis. ~~The Bureau is committed to adhering to the constitutional standards applied to the use of force, understanding that these standards are, by design, subject to constant review and interpretation.~~

This policy adopts the current United States Supreme Court's ~~limit on method of analyzing the~~ government use of force ~~announced in Graham v. Connor. The constitutional standard, however, does not provide detailed and practical operational guidance to the Bureau or its members to ensure the best possible force and confrontation decision making. This policy supplements Graham's standard of lawful use of force with additional detailed and more restrictive performance standards. by requiring that members use only force that is objectively reasonable given the totality of circumstances as viewed from the perspective of a reasonable officer at the scene, understanding that police officers must often make hurried decisions "in circumstances that are tense, uncertain and~~

~~rapidly evolving.” This limit announced in Graham v. Connor (constitutional standard), requires those officers choose from reasonable options when deciding to apply force to resolve confrontations. The constitutional standard is a practical and fair limit by which our society judges whether a use of force is constitutionally permissible. The constitutional standard, however, does not provide detailed and practical operational guidance to the Bureau or its members to ensure the best possible force and confrontation decision making.~~

The Bureau’s goal is to resolve confrontations effectively and safely while relying on the least amount of force as little as practical necessary. ~~This policy supplements Graham’s definition of lawful use of force with additional detailed performance standards.~~ These Bureau standards require officers to think well during confrontations and to work diligently toward applying, when practical, less force than the maximum allowed by the constitutional standard and minimizing or avoiding force altogether when possible. ~~It~~ This policy also requires that members show the skills and ability to regularly resolve confrontations through de-escalation and with less force than the maximum allowed by the constitutional standard.

Members are required to use only the force necessary that is objectively reasonable given the totality of circumstances as viewed from the perspective of a reasonable officer at the scene, understanding that police officers must often make hurried decisions in circumstances that are tense, uncertain and rapidly evolving.

#### **POLICY (1010.00)**

It is the policy of the Bureau to accomplish its mission as effectively as possible with as little reliance on force as practical necessary. However, the Bureau recognizes that duty may require members to use force to accomplish a lawful objective. The Bureau requires that members be capable of using appropriate force when necessary.

The Bureau places a high value on resolving confrontations, when practical, with less force than the maximum that may be allowed by law. The Bureau also places a high value on the use of de-escalation tools that minimize the need to use force especially

when dealing with certain vulnerable populations. Specifically, the Bureau recognizes individuals in mental health crisis may require a specialized response to ensure that confrontations are resolved with as little reliance on force as practical.

The Bureau is dedicated to providing the training, resources and management that help members safely and effectively resolve confrontations through the application of de-escalation tools and lower levels of force.