

RECOMMENDATION 102215-5

Specific Prohibitions on the Use of Force: Prohibitions against the use of specific types of force should be explicitly spelled out, both for absolute prohibitions and prohibitions except in very limited circumstances.

FULL TEXT:

SPECIFIC PROHIBITIONS ON THE USE OF FORCE

Prohibitions against the use of specific types of force should be explicitly spelled out, both for absolute prohibitions and prohibitions except in very limited circumstances. These prohibitions include:

- a. The use of force to punish or retaliate against a person. This is an absolute prohibition.
- b. The use of force against individuals who only verbally confront officers. This prohibition is absolute, except when the vocalization impedes a legitimate law enforcement purpose. Facts and circumstances to support the exception will rarely exist.
- c. The use of force to overcome passive resistance. This is an absolute prohibition except when physically moving a person is necessary and objectively reasonable. It should be emphasized that in such instances the minimum force necessary must not be exceeded.
- d. Intentional strikes to the head, neck, throat, heart, kidney, groin and spine with any authorized impact weapon, such as a baton, can be deadly force. Therefore, such intentional strikes are prohibited, except when under the facts and circumstances deadly force is authorized.
- e. The use of flashlights as impact weapons should not be routine, but used only when there is an immediate need to strike and no more-appropriate object is available for use, such as a Bureau issued police baton. The use of force report must document the unavailability of no alternatives.
- f. Shooting at or from moving vehicles, except in very limited circumstances.

Officers should not discharge a firearm from or at a moving vehicle unless (a) the occupant(s) of the vehicle are using deadly force, other than the vehicle itself, against the officer or another person, and (b) such action is necessary for self-defense or to protect another person from death or serious physical injury. Discharging a firearm in this situation is never authorized when it is reasonable to believe that the vehicle may contain an innocent passenger or is reasonably apparent that the vehicle may careen out of control and injure a bystander.

g. Vehicle pursuits of persons who have not committed a violent felony unless the officer has at least a reasonable suspicion that a fleeing suspect has committed or has attempted to commit a crime of violence and the escape of the suspect would pose an imminent danger of death or serious physical injury to the officer or another person. Officers must receive supervisory approval prior to initiating the pursuit. Pursuits for property offenses, misdemeanor offenses, traffic, or civil infractions are absolutely prohibited and will never be approved.

h. The use of neck holds, choke holds, and carotid holds. This is an absolute prohibition.

i. The use of hog ties and allowing a subject to be face down while in a hobble restraint. These are absolute prohibitions.