

Restrictions on the Use of Force

Presentation to Courts, Corrections, and Justice Committee

July 26, 2021



Use of Force: Limitations of Training

- Data shows training programs typically do not reduce police killings or racial disparities in police violence
 - Study of fatalities in police interactions from 2015-2018
 - Crisis intervention training, same rates as those that do not
 - Implicit bias trainings, same disparities
- High-profile incidents involving training experts
 - Derek Chauvin (George Floyd)
 - Caesar Goodson Jr. (Freddie Gray)
 - Kim Potter (Daunte Wright)



Use of Force: Constitutional Standard

- US Constitution/4th Amendment: “objectively reasonable under totality of circumstances”-*Graham v. Connor*
 - Severity of the crime at issue
 - Immediate threat
 - Active resistance and attempt to evade arrest by fleeing
- *Graham* is too vague to meaningfully guide police decision-making on using force:
 - Police Executive Research Forum
 - Former Police Officer and Use of Force Expert Seth Stoughton



Use of Force: NM Criminal Standard

NM §30-2-6 authorizes lethal force necessarily committed to execute the arrest of felon or prevent felon from fleeing detention



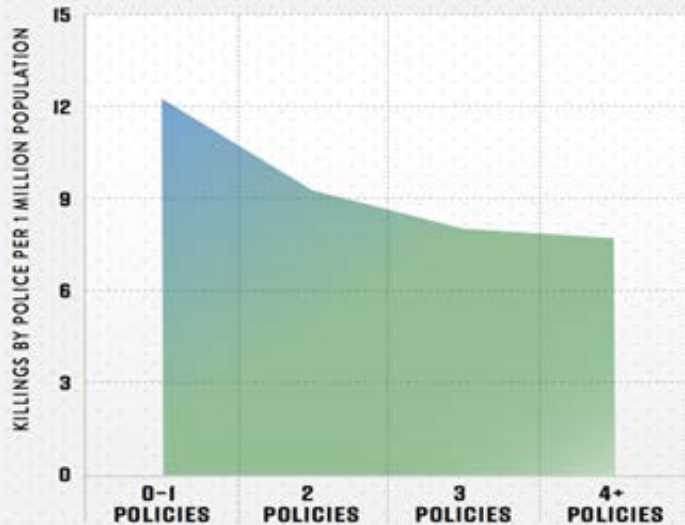
Police Department Policies

- Vague standards clarified by department policies
- Broad range of types of policies
 - APD
 - Lexipol



Specific Use of Force Guidance: Impact on Civilians

POLICE DEPARTMENTS WITH MORE RESTRICTIVE USE OF FORCE POLICIES KILL FEWER PEOPLE PER POPULATION



Sources: UseofForceProject.org, The Guardian's 'The Counted' Database, FBI UCR 2012

POLICE DEPARTMENTS WITH MORE RESTRICTIVE USE OF FORCE POLICIES KILL FEWER PEOPLE PER 100,000 ARRESTS



Sources: UseofForceProject.org, The Guardian's 'The Counted' Database, FBI UCR 2012

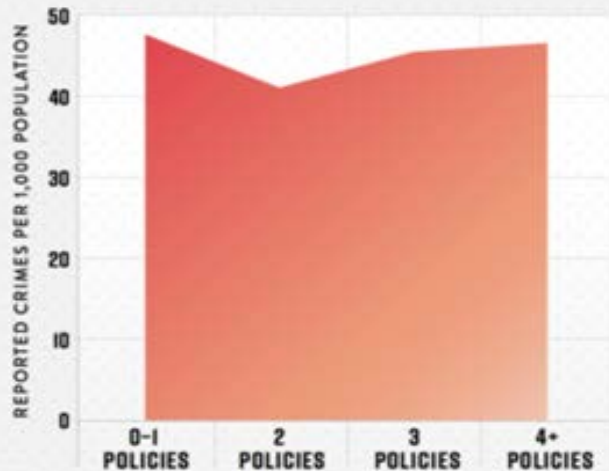
Impact by policy

- Ban on shooting into fleeing vehicle (-8%)
- Require de-escalation (-19%)
- Ban on chokeholds (-22%)
- Exhaust all reasonable less lethal options before shooting (-25%)



Strict Use of Force Policies: Impact on Safety

POLICE DEPARTMENTS WITH MORE OR LESS RESTRICTIVE USE OF FORCE POLICIES HAVE SIMILAR CRIME RATES



Sources: UseofForceProject.org, FBI UCR 2015

OFFICERS IN DEPARTMENTS WITH MORE RESTRICTIVE USE OF FORCE POLICIES ARE LESS LIKELY TO BE KILLED IN THE LINE OF DUTY



Sources: UseofForceProject.org, FBI Law Enforcement Officers Killed and Assaulted 2014 Report

State-level Statutory Reform

- States have imposed more specific standards
 - Delaware (Del. Code Ann. tit. A 467(c))
 - Tennessee (Tenn. Code Ann. 39-11-620(b))
 - Washington (HB 1310)
- State statutory standards enhance accountability

