

LETHAL VIOLENCE:

A Sourcebook on Fatal Domestic,
Acquaintance, and Stranger Aggression

Edited by Harold V. Hall, Ph.D., ABPP

Chapter 13**POLICE USE OF DEADLY FORCE**

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When one civilian uses deadly force against another civilian, the results are obviously tragic. However, such an act is unlikely to have a significant impact on those who did not know the victim or the perpetrator. Certainly, it can be argued that anyone's death by violent means diminishes us as individuals and as a society, but reality reflects that these individual acts occur multiple times on a daily basis across the world with hardly a blip on the collective consciousness of the population. For better or worse, such behavior has become, if not acceptable as a way of life, at least acknowledged as a tragic consequence of a changing society with fluctuating moral values. However, when a police officer uses deadly force against a civilian, the societal ramifications can be significant. Like a stone thrown in a pond, the ripple effect can cause civil unrest that results in the loss of substantial life and property.

Legal Justification For Use Of Deadly Force

Old English law established that unless the sovereign (King or Queen) granted permission for a lawsuit to be filed against the kingdom, no such action could be forthcoming. The concept of "sovereign immunity" was extended to governmental agencies until the 1960s, when several limitations were identified. Specifically, for example, under California law, the governmental entity was determined to be generally liable for negligent or wrongful acts occurring during employment (a) if the employee is personally liable for such an act or omission; (b) when the governmental body failed to exercise reasonable diligence to ensure appropriate compliance with statutory standards for safety and performance; and (c) when negligent

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selection, retention, or training can be shown to have been the proximate cause of the injury. In addition, there is no immunity for false imprisonment or arrest (California Tort Claims Act).

Until 1985, it was difficult for citizens to claim a constitutional violation of their rights when police allegedly used excessive force against them. In Tennessee v. Garner (1985), the U.S. Supreme Court reframed such actions by police to fall under the Fourth Amendment. The Court commented that, "Whenever an officer restrains the freedom of a person to walk away, he has seized that person . . . there can be no question that application of deadly force is a seizure subject to the reasonableness requirement of the Fourth Amendment." This case essentially abolished the over-broad use of the "fleeing felon" doctrine by striking down the use of "all necessary means" to apprehend fleeing suspects. For example, deadly force may not be used against a fleeing felon unless the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others. Thus, a purse snatcher, who appears unarmed, and jumps over a fence, shouldn't be shot in the back. Additionally, when feasible, the subject must first be warned before deadly force is used. The Garner case was extended in 1989 (Graham v. Connor, 1989) with the concept of "reasonableness." That is, was the officer's use of force reasonable, given all the current and past circumstances known to the law enforcement agent when he took action? This standard is determined from the perspective of a reasonable officer on the scene of the crime. For example, suppose an officer confronts a man with a weapon in the middle of a robbery. The officer commands him to drop the weapon. The man turns toward the officer and points the gun in the officer's direction. The officer shoots and kills the man. It is then discovered that the weapon was really a well-constructed toy model of a gun. If this event is not placed in the proper contextual framework of a reasonable perception standard, this officer theoretically would be guilty of shooting an unarmed man. The only "solution" to this problem is to let the perpetrator

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shoot first so the officer can verify that he or she is being challenged with a "real" gun.

Obviously, such an alternative is unrealistic.

Prior to the use of such force, there has to be a governmental termination of freedom of movement by the officer through intentionally applied means (Reed v. Hoy, 1991). The Court had previously recognized the problem of "second guessing" a police action by stating: "Not every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers, violates the Fourth Amendment" (Graham v. Connor, 1989).

While these cases have addressed the proper behavior expected of a law enforcement officer under specific situations, it should also be recognized that when approached by a duly qualified police officer who gives a lawful command, the person being arrested or questioned has a duty not to resist such detainment or arrest. If the person chooses not to comply, the officer may lawfully use that amount of force needed to overcome this resistance.

Other than those in the military, police officers are the only organized group given the authority to commit institutional homicide. That is, based solely on the premise of being a sworn law enforcement agent, an officer can use his or her discretion to take another life, within legal and departmental guidelines. This was not always the case. Police officers did not routinely carry firearms until the 1850s (Miller, 1975). Since then, virtually all police departments have regulated those special circumstances under which deadly force can be utilized. Such requirements closely emulate the legal definition for justifiable use of force.

Historically, courts have recognized that killing someone is not always first degree murder. For example, a person can use deadly force when that person, or members of the immediate household, reasonably believe such force is necessary to prevent imminent death or great bodily harm to himself or herself or another, or to prevent the imminent commission of a forcible felony. Police officers are given additional special statutory entitlement. While citizens generally have a duty to retreat, when possible, from a deadly encounter, police have no such

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restrictions. Indeed, while the average citizen usually tries to escape from a deadly situation, police officers have the responsibility to proactively move toward the problem.

However, restrictions on the use of deadly force do exist. Police are not given *carte blanche*. A police officer is justified in using deadly force when (a) the officer reasonably needs to defend himself or herself or others from bodily harm when making an arrest, (b) preventing an arrested subject in custody from escaping, (c) capturing an escaped felon, or (d) arresting a felon who is fleeing from justice and the felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person. When feasible, some warning is given. However, police cannot use deadly force to make an unlawful arrest (Gould & Gould, 1992).

Deadly force has been statutorily defined as that force ". . . which is likely to cause death or great bodily harm and includes, but is not limited to: (a) the firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict bodily harm, and (b) the firing of a firearm at a vehicle in which the person to be arrested is riding" (Gould & Gould, 1992).

Thus, a public policy problem emerges: How does a police officer maintain civil order by enforcing a public policy as mandated by law, while using the precisely correct amount of force, in a constantly changing environment, to control a subject, protect the victim, decrease the risk of harm to bystanders, and safeguard the officer's own life? This set of behaviors operates in an environment that encourages second guessing of such action by laymen with little knowledge of the actual job requirements of a police officer. What starts out as a tactical decision by a well-trained professional operating in a para-military organization can become a lightning rod for dissident groups espousing obvious, and hidden, agendas. Some civilian groups believe that the police have too much discretion in the use of deadly force and need to be carefully monitored through civilian review processes. It should be noted that "[b]y the end of 1991, more than 60

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percent of the nation's largest cities had civilian review systems, half of which were established between 1986 and 1991" (American Civil Liberties Union, 1992). Other militant groups are afraid that the eroding of police powers in favor of the "bad guy" will accelerate the decline of society. The United States is not the only country facing this dilemma. Studies in China (Fairbairn & Sykes, 1987), Australia (Elliot, 1979), and Canada (Chappell & Graham, 1985) reflect the increasing use of deadly force by police around the world.

Frequency Of Use Of Deadly Force By Police

How often is deadly force, which results in a justifiable homicide, used by our nation's police agencies? Nobody knows for sure. Multiple hurdles currently exist that impede the interpretation of meaningful data. These include: (a) reporting mechanisms within individual police departments, (b) definitions of what constitutes a critical incident, (c) policies defining the use of deadly force, (d) officer training in a "use of force" continuum, (e) reported crime levels within a community, (f) local victimization rates, (g) contextual factors, and (h) low reporting rates of use of force by police agencies. In addition, some police agencies do not report an incident by a police officer who shoots at a perpetrator and misses, as a "shooting by a police officer". Even though this officer clearly intended to use deadly force, but because of some factor was unsuccessful, this action seems not to "count."

When the International Association of Chiefs of Police, the major "membership" group for police administrators, launched its first attempt to quantify data on justifiable homicide rates by police, only 42% of those agencies surveyed responded (Matulia, 1982). However, other research has evidenced higher return rates. A Police Foundation study had a 93% response rate (Sherman & Cohn, 1986). Even so, the actual number of police-involved homicides fluctuates greatly, depending on the reporting source. The National Center for Health Statistics of the U.S. Health Service initiated a reporting mechanism for medical examiners to describe "Death by Legal Intervention of Police" (National Center for Health Statistics, 1967). Significant criticism

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of this system (Blumberg, 1989) suggests that the reported rate of 200 to 300 citizens killed by police each year underreports the actual occurrence rate by 50 to 75%. In a New York study, public health records accurately captured only 38% of already reported homicides by police (New York State Commission on Criminal Justice, 1987).

Further, although the Federal Bureau of Investigation (FBI), through its Uniform Crime Reporting System, has maintained information on justifiable homicides by police since 1940, problems of data interpretation exist. Submission of information by police agencies is largely voluntary. While there are over 15,000 police departments and sheriff offices across the United States, an average of only 9,000 agencies report data to the FBI. This presents an interesting dilemma in terms of defining the true scope of the problem. The FBI has captured detailed data on the number of police officers killed in the line of duty. Generally, between 1986 and 1996, between 140 and 160 officers were killed yearly in the line of duty, with about half killed feloniously. However, because only about 60% of all law enforcement agencies report fatal actions taken by the police, a significant flaw is evident.

Some research (Sherman & Cohn, 1986) suggests a "ratio" of one police officer slain on duty for every 12 citizens (1 to 12) justifiably killed by the police in large cities. Analysis of FBI data suggests an actual ratio of 1 to 4.4 nationwide (FBI Annual Report, 1979, 1980, 1988, 1991). Thus, annual estimates of justifiable fatal shootings by police range from 250 to 300 (Sherman & Langworthy, 1979) to over 1,000 (Fyfe, 1988). If only 60% of all police agencies report such data to the FBI, and if the reporting mechanism is flawed, an extrapolated ratio of approximately one officer feloniously killed for every eight police-initiated justifiable killings of citizens (1 to 8) can be derived, suggesting approximately 500 to 600 fatal police shootings annually.

Geller (1986) estimated that police attempt to fatally shoot about 3,600 people per year. Of these, 600 perpetrators are fatally wounded, 1,200 are wounded but not killed, and 1,800 are

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shot at but missed. In general, justifiable fatal shootings by police have been decreasing (Sherman & Cohn, 1986). However, it should be noted that each time a police officer shoots at a suspect, the intent is to stop the person's aggressive actions. This may or may not result in death. The idea of "shooting to wound" is the stuff of TV fantasy and certain civilian groups' naïvete. Police officers are trained to shoot at the "center mass" of a subject, that is, the middle of the chest. Any other wounding of an individual is generally the outcome of unintended circumstances. An attempt to statistically quantify this slippery issue really misses the point. The vast majority of police contacts with citizens do not result in the use of deadly force.

The probability of any one police officer becoming involved in a fatal shooting is proverbially less than being struck by lightning. For example, given that the average officer retires after 25 to 30 years of service, a police officer employed in Jacksonville, Florida, would theoretically have to be on duty 139 years before being involved in a fatal shooting (Sherman & Cohn, 1986). In Portland, Oregon, an officer would have to work 193 years (Snell & Long, 1992). Even in New York City, the use of firearms by police against civilians is rare. Of 1,762 events in which physical force was used to subdue a subject, officers resorted to the use of a firearm on only five occasions (New York State Commission of Criminal Justice, 1987). In the entire state of New Jersey in 1990, police responded to approximately 8.5 million calls. Officers fired their weapons on 167 occasions (Sullivan, 1992). The FBI estimated that during 1990, almost 1.8 million individuals were arrested for what could collectively be viewed as violent crimes (assaults, robbery, murder, and rape). Yet, as described previously, less than 1/20 of 1% of all encounters with citizens resulted in a fatal shooting committed by a police officer (FBI, 1991).

The authors believe that police officers, in general, tend to underreact with regard to the use of deadly force in situations where such force is legally justified. While there is scant evidence in the research literature to support this view one way or the other (Dwyer, Graesser,

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Hopkinson, & Lupfer, 1990), the authors' clinical experience with thousands of police officers suggests that before an officer uses deadly force, he or she considers a variety of issues. The factor most frequently reported to the authors in informal surveys, and the least discussed in the police literature, is liability. When faced with the prospect of having to defend one's life, or that of someone else, an officer often worries that trouble will result from his or her actions.

While in many ways it may seem encouraging that police are not killing as many citizens as might be "justified," one potential concern is that a tendency for officers to underreact when additional force is necessary (not merely allowed) may actually endanger more officers and civilians. Thus, fear of liability may inhibit an officer from taking justifiable action. These averted deadly force opportunities need to be examined carefully to ensure that police officers are responding appropriately and to identify those tactics which can be employed on a systematic basis to deescalate a potentially deadly encounter. Very few police departments gather any information in this regard (Greenberg, 1990; Jamieson, Hull, & Battershill, 1990).

Use Of Deadly Force Models

Multiple police tactics exist that can be construed as deadly force. For example, a police car ramming a fleeing vehicle can obviously cause it to crash and kill the occupants (or innocent bystanders). One technique for halting a fleeing vehicle is called "precision immobilization" and is used by some law enforcement agencies (Pearson, 1992). While theoretically, such a tactic may be sound, fleeing felons often don't obey the rules of the road.

The U.S. Supreme Court has reviewed a procedure that is known as the "dead man's roadblock." This occurs when a roadblock is intentionally erected by the police on the roadway so that the fleeing person's observation of the impasse is restricted until it is unlikely that he or she can avoid it and the vehicle crashes (Brower v. the County of Inyo, 1989). Other police interventions that can result in deadly force, intentional or not, include: (a) incendiary devices, such as "flash-bang" grenades; (b) high speed pursuits; (c) inappropriately applied defensive

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physical techniques, such as choke holds, (d) road spikes that flatten tires; (e) fatal attacks by police dogs; (f) fatal TASER shocks; (g) chemical agents, such as tear gas; (h) striking devices, like batons; and (i) firearms.

There is no general agreement in the police literature on what constitutes "deadly force." The International Association of Chiefs of Police Model Deadly Force Policy (1990), the Commission on Accreditation for Law Enforcement Agencies Standards on Use of Deadly Force (1988), and the National Organization of Black Law Enforcement Executives (1990) each approach the issue from slightly different perspectives and suggest somewhat different rules and regulations.

Police officers always have a range of options from which to choose in a confrontational (tactical) situation. These levels are often described in terms of a "use of force continuum." Desmet and Marsh (1990) have defined the following levels of officer response in a use of force continuum:

1. Social Control: Using positive body language to set appropriate boundaries. Just having a police officer on a scene can quell a potentially violent situation. However, too many officers confronting one subject may induce "panic" and increase aggressive actions of a subject.
2. Verbal Control: Verbal direction is given in short bits of information that can be readily followed to insure compliance, i.e., "Drop the gun. Do it now."
3. Weaponless Control Techniques: (a) Pain compliance holds cause the subject to shift his or her attention from the officer to the site of the pain. As compliance to commands is forthcoming, the painful stimuli are decreased to reinforce appropriate behavior. Pain compliance holds are based on stimulating nerve pathway transmissions and are not intended to cause permanent physical destruction of tissue. (b) Control (short stick) instruments can also be used. These are non-impact devices. They maximize pain but do not produce permanent physical damage. The ability of a subject to tolerate pain, as well as altered states of

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consciousness induced by drugs or alcohol, may render pain compliance techniques unreliable for gaining control over a resisting subject.

4. Stunning Techniques: Physical blows that cause temporary stunning will inhibit resistance without causing permanent physical damage (although there is some probability of physical injury). A stunning technique overwhelms the sensory input and causes short-term disorientation.

5. Direct Mechanical Techniques: Significant leverage or impact pressure is used directly against the skeletal structure of the body, as opposed to muscle groups. This can fracture bone or cause damage to tissue.

6. Neck Restraint Immobilization Techniques: Such techniques must be appropriately applied in a specified way to avoid depriving the brain of oxygen for a significant period of time or causing heart arrhythmia. This is to prevent a nonlethal maneuver from becoming a fatal one. These holds include carotid restraint, lateral vascular restraint, and "choke holds." While a vascular restraint may cause pain and confusion, choke holds constrict air to the lungs and may induce severe physical damage that can only be remediated by surgical intervention to the throat cartilage.

7. Electrical Shocking Devices: Non-lethal electrical field discharge weapons (TASER) are commonly referred to as stun guns. Disadvantages include limited range and immobilization ability.

8. Chemical Agents: Often referred to as "tear gas," this class of control options has a variety of different chemical compositions. Problems with these agents include: (a) unpredictable effect, (b) the time required for the chemical to become reactive against the subject, and (c) immediate incapacitation is not guaranteed.

9. Impact Weapons: These include batons and flashlights and are used to apply increased mechanical pressure at specific points of the body, including nerve pathways and

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joints. They may also be used to stun the subject. General police instruction is to use such weapons only below shoulder level.

10. Firearms: This refers to the use of a handgun, shotgun or rifle. Attempts by officers to gain control and compliance of subjects are not unilateral. As Desmedt and Marsh (1990) noted, ". . . the officer will control with the subject's consent, if possible, but force the subject to comply, if necessary." In a police encounter with a civilian, three types of subject responses have been identified: (a) The cooperative subject--this individual is essentially compliant with police commands; (b) The resister--this individual is not being responsive to verbal or social control, but is not proactively aggressive towards the officer. The passive resister does not attempt to flee, but also does not follow the officer's directions. Such an individual may grasp a fixed object, such as a telephone pole, to immobilize himself or herself. The active resister tries to continually maintain a physical space between the resister and the officer. Such maneuvers may include swinging the arms to avoid being detained or running away; (c) The assailant--three levels are identified. In the first, the subject moves toward the officer and attempts to make physical contact. The action is not likely to cause significant physical damage to the officer, but may limit the officer's responses. At the second level, the actions of the subject will probably cause physical injury. This is considered an "attack," although it usually occurs without a weapon. The likely injury outcome to the officer is not "serious." It may include sprains, minor broken bones, cuts, or damage to the officer's teeth. At the third level, the subject's actions will probably cause death or serious physical injury. Imminent threat of serious physical injury or death to the officer or innocent civilians is clear. The mode of infliction of damage can be varied, i.e., gun, car, or tire iron. This is considered to be the use of "lethal force" by the subject (Desmedt & Marsh, 1990).

As a way to help officers apply use of force guidelines in practice, a number of agencies have adopted a "use of force continuum" (as noted above), which suggests the range of

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appropriate officer responses based on the level of subject resistance (Desmedt & Marsh, 1990; Graves & Connor, 1992; Kazoroski, 1987). The potential value of this visual and conceptual aid is that it provides a heuristic or model that the officer can use to evaluate and plan his or her response. However, the utility of a continuum depends on two key variables--defensibility and applicability. That is, the continuum must be consistent with a defensible departmental policy that has adequately considered appropriate legal standards, and it must be easily understood and applied by officers in field situations.

There are several models which have sought, in different ways, to address these two important issues. An empirical approach was taken by Samuel Faulkner (1991) at the Ohio Peace Officer Training Academy. Faulkner developed an Action-Response Continuum, which is based on research with over 5,000 law enforcement officers and trainers. He also collected data on responses by members of the community and civil rights protection groups. This enhanced the defensibility of his approach. In addition, he took this research and placed it in the context of a continuum where areas of subject resistance and officer responses are conducive to images which are easily remembered. Therefore, this type of continuum can be more easily recalled and applied in actual confrontations.

Another comprehensive and well-integrated use of force continuum has been developed by Desmedt and Marsh (1990), as illustrated in Figure 1. This model shows how an assailant's action leads to the choice of "force options" available to the officer, and how an "officer reaction" occurs based on which force option was chosen. For example, a person may be cooperative, but physically be standing too close to an officer so that the officer's safety is compromised. The use of verbal direction is appropriate at this level ("please back up"), but certainly not pain compliance techniques. However, if the subject cannot be controlled by verbal directions, such as persuasion or warning, and continues to be "resistant," pain compliance maneuvers are indicated. Yet, it would be inappropriate to put a "choke hold" on this subject.

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As the subject's behavior escalates by becoming more aggressive, the officer has more counter-aggressive responses to choose from. While such a continuum may suggest a smooth fluidity, this is often not the case. A perpetrator may be relatively calm in response to the officer's verbal commands and then produce a gun. The officer will clearly not have the luxury of going through pain compliance techniques, then "stunning" maneuvers, and then using chemical agents. An officer may "jump" the continuum to the use of lethal force. This is referred to as "One Plus One" response. The officer uses one level of force higher than the level of resistance offered by the suspect.

The officer must have the "ability to disengage or escalate" during such an ongoing event (Americans for Effective Law Enforcement, 1988). This implies that, in addition to a purely physical response to a situation, appropriate judgment is also needed to sort through the multi-level, multi-task, situation-specific response the officer is going to make. The authors recommend that psychological training in decision-making under stress be incorporated into tactical training (Borum, 1993).

Meyer (1991) evaluated eight nonlethal force strategies. The TASER (stun gun) and chemical irritant sprays are potent agents to stop physical aggression and produce little physical injury. Other acceptable alternatives (baton, flashlight, physical attack) cause significant injury. Newer methods of restraint (capture nets, for example) could decrease injury to officers and civilians, increase positive public perception of police tactics, and reduce liability claims. Kornblum and Reddy (1991) noted that upon investigating 16 deaths thought to be caused by TASER use, 11 actually resulted from drug overdoses, three from gunshot wounds, one from a combination of heart disease and TASER shock; the cause was undetermined in the remaining case.

Advances in technology suggest that sophisticated alternatives to lethal force are on the horizon (American Society of Law Enforcement Trainers, 1995). Aqueous foam will immerse

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the individual in a solution that causes disorientation. This has application to riots and prison uprisings. Sticky foam creates a "synthetic spider web" that entangles the individual. Unfortunately, if a sufficient amount is applied to the subject's head, suffocation may occur. A "smart gun" is being developed that will only operate once it "recognizes" the operator of the weapon. These options are being evaluated by cooperation between governmental agencies and private industry.

After reviewing the multiple possible agents of lethal force, the authors suggest the adoption of a definition of deadly force by police as any tactically-approved technique which reasonably can be expected, when appropriately applied, to have as an intentional outcome the death of a person. For example, one person in 10,000 may have an allergic reaction to the application of CS (tear) gas. Such a death cannot be reasonably anticipated, nor was the application of this controlling agent intended to kill. Thus, this would not be an intentional application of deadly force.

What Kind of Police Officer Uses Excessive Force

As noted previously, the use of excessive force by a police officer is a complex, interactional event and cannot be explained solely by the officer's personality dynamics. Scrivner (1994), however, described the following five profile types of violence-prone officers, listed in ascending order of frequency.

Chronic Risk Group

These individuals appear to have a lifelong, ingrained pattern of problematic behaviors that bring them in conflict with others. They are threat-sensitive and manipulative, and may abuse psychoactive substances. They tend to project blame onto others for their problems and because they don't seem to learn from past experiences, are likely to get into trouble repeatedly.

Job Related (Traumatic) Experience Group

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Officers involved in critical incidents, such as fatal shootings, often have difficulty re-integrating into routine police work. Such incidents may leave officers more vulnerable to "acting out" if proper psychological debriefing and follow-up treatment are not initiated.

Early Career Stage Problems Group

Some police agencies only require a high school education for employment. Thus, individuals as young as 20 years old are hired. In one department with which the senior author consulted, they hired such an individual and issued him a gun, but not the ammunition. He had to have his father go to the local sporting goods store to buy bullets for him because he was under 21. Young officers are often "gung ho." They like the power and authority given to them. Unfortunately, they often do not have extensive life experiences to help them modulate their impulses. A strong Field Training Officer (FTO) Program, in which a specially trained senior officer monitors behavior and gives corrective feedback, will often guide the youthful officer through a maturational process.

Inappropriate Patrol Style Group

As some officers progress in their career, they become more cynical. They believe that using force will generally bring most situations under control. Because this style often "works," they ignore a more problem-solving orientation. However, these officers will often respond to interventions by the agency, because their interpersonal style is acquired over time, rather than resulting from fixed personality traits, as seen in the chronic risk group.

Personal Problems Group

For these officers, their "emotional glass" may have already been almost full. When faced with a personal loss, such as divorce or perceived change in job functioning, their behavior may deteriorate. Such officers may exhibit pre-incident behavioral characteristics that can be detected by an early-warning system. As shown in Table 1, the five categories are not equally distributed.

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Who Gets Shot And Why

Retired Officer Mark Fuhrman, of the Los Angeles Police Department, who will forever be marked as a racist and a liar for his testimony in the O. J. Simpson double murder trial, represents what most Americans identify as a "rogue cop." In a transcript obtained by the New York Times, Fuhrman stated, "Most real good policemen understand that they would just love to take certain people and just take them to the alley and just blow their brains out. All gang members for one. All dope dealers for two. Pimps, three." (Reibstein, Murr, Crogan, & Foote, 1995, p. 24). Even if such statements were made for "self-aggrandizement," people view them as representative of police behavior.

The 81-second beating of Rodney King that was captured on video tape on March 3, 1991 showed him to be shot with a TASER, kicked, punched, and also hit with a baton 56 times. This beating was administered by three officers, with one sergeant assisting. Approximately 20 police officers stood by and watched. That King didn't die is more likely attributable to luck than skillfully administered tactical blows by the police. The jurors saw the tape differently. One of the jurors noted after the verdict that King appeared to be proactively resisting arrest and "was in full control" of his behavior (Daniels, 1992). Yet, approximately 86% of White Americans and 100% of Black Americans polled felt the verdict was unjust (Marshall, 1992). Such demonstrations by police officers fuel the perception of the public that they need to be afraid of those who have sworn to protect them. Two separate reports following the King beating suggested that significant attention needs to be paid to the selection process of police officers (Independent Commission on the Los Angeles Police Department, 1991; Kolts, 1992).

The rate of fatal police shootings is not evenly distributed across the country, or even within a given jurisdiction (Geller & Karales, 1981; Horvath, 1987). Indeed, some of the most seemingly tranquil parts of the country (San Diego, California) report amongst the highest rates

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of fatal shootings per 1,000 police officers (4.1). The New York Police Department reports among the lowest (0.7) (Geller & Scott, 1992).

Many of the fatal shootings by police take place in Black communities. Black perpetrators were 7.7 times more likely to be shot at than Whites in St. Louis, Missouri (St. Louis Metro Police Department, 1992), six times more likely than Whites in New York (Fyfe, 1981), and four times more likely than Whites in Chicago (Geller & Karales, 1981). Between 1970 and 1984, the number of Black civilians killed by police dropped significantly (Sherman & Cohn, 1986). In general, fatal shootings by police have decreased over the past decade. Data on Hispanic Americans is more difficult to recover because of problems in ethnic classification.

Data on who kills police officers is enlightening. From 1981 to 1990, of 1,030 persons who killed police officers, 42% were Blacks, 55% were White, and 3% were of "other" classified races (FBI, 1991). Eighty-seven percent of officers killed were White, 12% were Black, and 1% were of "other races" (FBI, 1989). There appears to be a fairly strong correlation between arrest pattern and shooting victims. For example, Horvath and Donahue (1982) reported that in an urban population center of Michigan, 75% of those arrested were Black, as were 82% of those at whom shots were fired. In a non-urban area, Horvath (1987) reported a Black arrest rate of 36%, with Blacks comprising 35% of those at whom shots were fired. Similar findings were suggested by Binder, Scharf, and Galvin, (1982) and Meyer (1980). Interpretation of these data is difficult in that multiple possible explanations arise: (a) It has been reported that Blacks proportionally commit more crime (Matulia, 1985). (b) Blacks have a higher unemployment rate than Whites and thus come into contact with police more often (Milton, Halleck, Lardner, & Albrecht, 1977). (c) Police racism-- "The evidence of racial discrimination in arrests undermines any use of arrest rates to show an absence of discrimination in police homicide. . . . Neither suspects' attitudes nor a complainant's preferences constitute proper grounds for enforcement decisions" (Sherman, 1980). Interestingly, Black officers shoot civilians (Geller & Karales, 1981) and are shot by

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civilians (Konstantin, 1984) at a much higher rate than expected. (d) Several factors, other than race, seem to dictate when lethal force is used by police. These include whether the suspect engages in threatening behavior or has a weapon, and the type of crime being committed (Alpert & Fridell, 1992). Almost all the suspects shot by police are male. Donahue and Horvath (1991) indicated that those who were fatally shot by police in Detroit were usually armed, threatened use of a weapon, and had a higher number of prior misdemeanor and felony charges and convictions.

Obviously, many more possible explanations exist. However, a general review of existing research on the interaction of police shootings and the race of subjects evidences significant methodological problems (Alpert & Fridell, 1992). "Easy" explanations should be avoided. Most likely, all lethal outcomes involving police use of deadly force occur from multiple causes.

The following case study is based on an actual police incident involving use of lethal force. Names, dates, and locations have been changed. Variables associated with key events are in parentheses.

Case Illustration 1. On the evening of July 14, 1993, the rain was falling heavily and impaired visibility (attribute of setting). John Collins, a 33-year-old, Caucasian male, heard his neighbor's burglar alarm go off at 1:30 a.m. (mobilizing event). His neighbor was away and John had the key to the house. He went to investigate. Finding nothing unusual, he turned the alarm off with the code his neighbor had left with him.

Shelly Green, who lived behind John, also heard the alarm sound. She called the police (mode of mobilization--police dispatch). However, she thought the alarm was coming from John's house and provided his address.

When Officer Pete Mattheson, a 23-year-old, Black officer, arrived at the scene, he was dressed in a departmental issued black rain coat. He was wearing a baseball-type hat that had the

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name of the police agency stenciled in one-inch high white letters. He was not required by departmental regulations to remove his badge from his uniform and place it on the outside of his rain gear. His partner, Sam Leonard, a White 29-year-old, was similarly dressed.

When Mr. Collins returned to his house, he inadvertently did not pull the outside living room door completely shut. The driving rain and wind subsequently blew it open. He returned to bed. Thus, when Officers Mattheson and Leonard arrived at the scene of the dispatched burglar alarm, they found Mr. Collins' door ajar.

Officer Leonard, with a shotgun, decided to maintain a perimeter (i.e., a boundary or line of force) on the step leading up to the door. Officer Mattheson went in and announced "police." Mr. Collins was aroused from his sleep by a noise, got up and peered around the corner into his living room. He turned on a light. There, he saw a Black male, in a black rain coat and baseball-type hat, with a gun (attribute of participants). He jumped Officer Mattheson. The two struggled for control of Officer Mattheson's weapon (actions, intentions, and resources of suspect). In the struggle, they fell through the open door and out onto the step where Officer Leonard was standing. Now, faced with two perceived assailants, Mr. Collins went for Officer Leonard's shotgun. Officer Mattheson shot and killed Mr. Collins.

Officer Mattheson was subsequently fired from the department, charged and tried for manslaughter. He was eventually acquitted. He received extensive psychological counseling for Post-Traumatic Stress Disorder. He was unable to get another job as a police officer and now works as a security guard. Mr. Collins' family successfully sued the police department for wrongful death.

Multiple coincidental events, unfolding in cascading fashion, shaped this particular use of lethal force: (a) The neighbor gave police the wrong address of the burglary alarm. (b) The door to Mr. Collins' house was blown ajar due to the weather conditions. (c) Officers Mattheson and Leonard, while in departmentally issued rain attire, were not easily identified as police officers.

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(d) Officer Mattheson thought he was at the right address of a possible burglary, found a door open, and got no response when he announced "police." Thus, his "vulnerability awareness" was high. (e) Mr. Collins had already answered an alarm next door and was hypervigilant. (f) Officer Mattheson decided he "had to do something," so he moved forward into the house. (g) Mr. Collins, awakened from his sleep, saw a Black male with a gun in his living room. He went into a "survival" mode, and responded. (h) Some tactical problems, as it relates to training, existed at this juncture. Officer Mattheson should have continually yelled, "Police. Get down on the floor," and used furniture or his free hand to keep a distance between himself and Mr. Collins. However, "real life" action does not always allow for theoretical training. (i) As the struggle continued, Officer Leonard became involved. Neither he nor Officer Mattheson shouted "police." Instead, they were fighting for their lives. Officer Mattheson committed to a "here goes" strategy and shot Mr. Collins.

This case illustrates how a situation that started with a dispatch call to the wrong address, was complicated by inappropriate regulations concerning officer uniform display, and perhaps lack of sufficient tactical training, caused misperceptions in both the police officer and the victim that led to a fatal shooting.

Various sociological theories have emerged to explain who becomes the "victim" of a police shooting. Terms such as institutional racism, social deprivation, lack of appropriate opportunity for employment, or an oppressive environment, suggest that perpetrators of violence may not always be fully accountable for their actions (Cloward & Ohlin, 1960). A competing theory holds that there is a "subculture of violence" within certain segregated sections of a community. This subculture is defined by ". . . a cluster of values that support and encourage the overt use of force in interpersonal relations and group interactions" (Wolfgang & Zahn, 1983, p. 849). However, this viewpoint appears to paint with too broad a brush. Certainly, the large percentage of people who emerge from such an environment are not violent. The authors believe

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that a police-involved shooting is a much more complex, interactional event. It encompasses a specific officer with unique attributes, under certain situational variables, in a broader contextual environment. Thus, while one officer may elect to use fatal force, under the same circumstances, another may not.

There do appear to be situationally mobilizing events that are frequently associated with a police shooting. The "pre-intervention situation" (Sherman, 1983) is the type of call that compels an officer to respond. A mobilizing aggressive event on the part of the subject then causes the officer to engage in a tactical response. Consistently, robbery calls and domestic and non-domestic disturbances account for between 53% and 66% of police shootings (Fyfe, 1978; Geller & Karales, 1985; Milton, Halleck, Lardner, & Albrecht, 1977).

A police-civilian shooting episode is always interactional. While an officer may start a "confrontation" just by arriving at a crime scene in progress, it is the perpetrator who determines how the interaction will proceed by his or her level of compliance with lawful police directions. The events leading up to the shooting may take place over a long time, as during a stand-off. Or, such events may transpire in "split-seconds," as when an officer comes upon a crime scene and the suspect reacts with overtly aggressive behavior that could be construed as life-threatening to the safety of the officer or others. The International Association of Chiefs of Police (IACP) claims that about 90% of police shootings take place within a 3-second time frame (IACP, 1989). However, it is unclear when the clock starts to toll. The authors' interpretation is that the time starts from the first aggressive movement by the subject which the officer determines is life-threatening to the officer or others. Fyfe (1989), an opponent of the "split-second syndrome," believes that examining and modifying officers' approaches to potentially violent encounters is more likely to reduce violence in police-citizen encounters than are changes in officers' actions during the encounter.

Psychological Factors in the Use of Deadly Force

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Solomon (1990) described five stages in the "dynamics of fear" that an officer goes through in a potentially violent encounter. These stages are fluid and an officer can "jump" from Stage I to Stage IV, for example, instantaneously.

Stage I: "Here comes trouble"--The officer has reason to believe that a situation has the potential to become problematic.

Stage II: "Vulnerability awareness"--The officer may believe that he or she is becoming vulnerable to the threat or may lack immediate control to contain the situation.

Stage III: "I've got to do something"--There is a cognitive shift in this stage from internal focus on perceived vulnerability to the adoption of an action plan.

Stage IV: "Survival"--If life-threatening behavior on the part of the perpetrator continues, perceptual narrowing may occur to focus on the immediate threat and survival strategies are illuminated.

Stage V: "Here goes"--The officer commits to engage in the survival strategies as the only viable option to the perceived threat.

Scharf and Binder (1983) have taken another approach to deconstructing these high risk encounters into identifiable stages:

1. Anticipation: This stage covers the period from when the officer becomes aware of a need for intervention (e.g. radio call) up to the officer's arrival on the scene.
2. Entry and Initial Confrontation: This is the stage at which the officer physically enters the scene or makes initial citizen contact. Tactical decisions here include observations about possible use of cover and concealment to protect the officer.
3. Dialogue and Information Exchange: This is referred to as the "definitional phase"--the stage at which the officer makes an assessment, issues orders if necessary, or attempts to negotiate with the subject/citizen about the nature of the problem, possible solutions, or both.

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4. Less-than-lethal Control Tactics: This stage, added by Geller and Scott (1992), suggests that the officer should consider whether non-lethal control tactics could be effectively utilized. These might include weaponless defensive tactics or weapon-assisted leverage and compliance techniques, or even chemical, electrical, or impact weapons.

5. Final Frame Decision: At this critical point, an officer must make a decision about whether or not to shoot.

6. Aftermath: This is the post-event stage encompassing any departmental and administrative response, procedure, or review related to the encounter.

The authors believe a similar "model" is also working in the mind of the perpetrator. Fear is contagious. If the officer is afraid because of the situation, the perpetrator is also likely to be afraid. As discussed by Hockey (1979), the ability of a person to respond to a stressful situation involves a complex relationship among arousal, perception of the task, and capacity to respond efficiently and effectively as first described by Yerkes and Dodson (1908): "(1) For any task there is an optimal level of arousal such that performance is related to arousal in the form of an inverted U. (2) The optimum level of arousal is a decreasing monotonic functioning of the difficulty of the task." Stress or anxiety can increase performance until it reaches a point where it becomes overwhelming and then performance rapidly decreases.

The authors interpret this to address the issue of lack of requisite behavioral variety under stress. That is, when faced with an unfamiliar or stress-arousing situation, the perpetrator engages in Option A, which doesn't work to solve the problem. The perpetrator then tries Option B. That doesn't work. Neither does Option C. The perpetrator then reverts to Option A. It still won't work, but because of high arousal levels, the capacity to choose from other alternatives is diminished. For example, the subject during a home invasion robbery points a gun (Option A) at the responding officer and is commanded to "drop it." The perpetrator turns and looks for an avenue of escape (Option B), which may be blocked, then runs into a bedroom (Option C) and is

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cornered. The perpetrator cannot think of any other options, again points the gun (Option A) at the officer, and is fatally shot. The interactional nature of a police/perpetrator situation is described in Table 2.

Based on what the authors have learned from the research on deadly force encounters and the psychological factors that operate therein, several prescriptive strategies can be recommended.

Suggested Strategies to Lessen the Use of Deadly Force by Police

1. Tracking System: A nation-wide, systematic tracking system should be developed that can accurately collect data on the fatal and nonfatal use of force by police officers. The National Highway Traffic Safety Administration maintains the Fatal Accident Reporting System (FARS) related to vehicular accidents. Data is uniformly collected in 90 different categories (Teret, Wintemute, & Beilenson, 1992). A similar system should be constructed for incidents involving police use of force. This data can be utilized to enhance training programs.

This proposed reporting system should be mandatory. All law enforcement agencies would be required to comply, either by law or to maintain accreditation. While the following is not intended to be all inclusive, the information might describe the reported event as follows: (a) weather conditions, (b) lighting, (c) patrol assignment, (d) perpetrator biography, (e) type of crime, (f) gun and ammunition used by officer, (g) number of shots fired by officer, (h) tactical decisions (reason for discharge of weapon), (i) number of perpetrators, (j) number of victims, (k) relationship of victim and offender, (l) officer on or off duty, (m) level of threat by perpetrator prior to shooting, (n) shots fired or weapon used by perpetrator, (o) other options used by officer (mace, baton, etc.), (p) type of officer injuries, (q) was protective cover used by officer, (r) was officer wearing ballistic vest, (s) prior knowledge of subject or situation, (t) stray shots fired by

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the officer and by the perpetrator (u) unintentional wounding, (v) demographics of officer, and (w) use of force continuum sequence.

Fyfe (1981) also suggested a shooting typology that might be incorporated to uniformly describe these events. He indicated that some shootings are "elective" by the officer because other options of gaining control of the situation could have been implemented. "Non-elective" shootings are those in which the officer's discharge of a weapon is the only viable choice. Fyfe's typology includes: (a) assaults with guns against police, (b) assaults with knives or other weapons, (c) physical assaults on police, and (d) unarmed or no assault.

2. Establish Clear Policy: Every agency should develop a written policy directive on the use of deadly and non-deadly force. This policy should contain clear definitions of levels of force, a description of the standard used to judge the appropriateness of an officer's actions, and the conditions under which force or restraint may be used.

The directives should be consistent with constitutional principles and current case law in the jurisdiction. This is imperative because this policy outlines the agency's expectations about officer conduct in use of force situations and provides a consistent standard by which to judge an officer's action in any given situation. However, in developing these policies, it is also important to seek input from line personnel so that feedback from field experience can enhance the "real world" applicability of the directives as they are described.

A number of departments were forced to change their use of force policies following the U.S. Supreme Court's decision in Tennessee v. Garner (1985), which ruled that any policy directives authorizing use of deadly force to apprehend unarmed and nonviolent criminal suspects were unconstitutional. As noted above, this decision did not erase all ambiguity concerning proper standards for deadly force; however, it did establish a national minimum standard. Many of the agencies modified their policies by adopting language more consistent with a defense-of-life standard (which is now required by the Commission on Accreditation of

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Law Enforcement Agencies, COALEA, for any department seeking to be accredited) (Geller & Scott, 1992). Thus, their policies tended to become more restrictive.

Despite initial concerns that such restrictions might place officers at increased risk, experience with these more restrictive policies suggests that they did reduce the number of shootings by police without producing any negative impact on officer safety. As stated by Geller and Scott (1992):

The empirical research suggests with remarkable unanimity, but, admittedly, with less data and weaker research techniques than are desirable, that restrictive policies seem to have worked well where they have been tried. . . . Adoption of restrictive policies usually has been followed by marked decreases in shootings by police, increases in the proportion of the shootings that are responses to serious criminal activity, greater or unchanged officer safety, and no adverse impact on crime levels or arrest aggressiveness.

3. Enforcement of Policy: For a policy to have effective force, it must have administrative support and follow-through enforcement. Particularly when an agency moves to a more restrictive deadly force policy, it is important for the written directives to be buttressed by a clear message from the highest levels of the administration that supports the principles of the policy and encourages officers to use restraint in shootings (Sherman, 1983).

Many agencies have some type of internal shooting review system to investigate possible policy violations, and sometimes to aid in enforcement. William Geller of the Police Executive Research Forum has identified several features of Review Boards that appear to be quite promising (Geller & Karales, 1981; Geller & Scott, 1992): (a) conducting reviews of all incidents in which shots were fired, not just those in which an individual was; (b) including reviews of "averted shootings," that is, incidents in which an officer would have been justified to shoot, but was able to resolve the incident by other means; (c) ability to provide dispositions or recommendation that are not limited to judgments about the appropriateness of the individual

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officer's actions, but may also include administrative deficiencies, if relevant; (d) ability to go beyond the adjudication of officer liability in the case, to also identify and recommend preventive strategies at a systemic level (e.g. training needs, weapon and equipment modification, supervisory changes, etc.).

4. Pre-employment Screening: While there is no clear demographic "profile" of the officer with a propensity to use deadly force, and the empirical relationships between individual officer characteristics and the outcomes of high risk encounters are presently not compelling, law enforcement agencies are still responsible for exercising reasonable care in the selection of employees for public safety positions, and they may be held liable for improper conduct by employees who were not properly screened or evaluated (Bonsignore v. City of New York, 1981).

Many, if not most, major law enforcement agencies currently have comprehensive, multi-stage selection systems that include psychological screenings as one component of the program. Indeed, this component of the screening process has been widely advocated (Milton et al., 1977) and is mandated by COALEA for agencies seeking accreditation. Although pre-employment psychological screening by itself does not guarantee the identification of all applicants who may subsequently use force inappropriately, a careful pre-employment application process consisting of personnel interviews, written tests, and careful background investigation may reveal characteristics, such as a history of impulsive or aggressive behavior or poor emotional control, that could suggest that the applicant would be at higher risk to show an inappropriate response in a stressful use of force encounter. The empirical basis for these assessments is continuing to expand.

5. Assessment Center: Through the above screening process, departments can reasonably identify minimally qualified candidates who are unlikely to be problems to the department later. This is not sufficient. Using a business model, the customers (the public

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receiving the services) are demanding highly skilled service providers (police officers). The challenge is to select and promote those individuals who are most likely to be high level performers. The assessment center concept may be the answer.

The premise of an assessment center is that the closer we can get to having the applicant actually perform the job, the more accurate the test will be, and the higher the probability of success on the job. This is the strength of an assessment center. With an assessment center, we identify the critical tasks required to do the job. The applicant is then placed in a scenario where these critical tasks are simulated and has to actually perform the job tasks. For example, some of the critical task areas for a new law enforcement officer are to handle interpersonal conflicts (e.g., a domestic violence call) and take reports (e.g., on burglary calls).

An entry level assessment center might place the applicant in a room with arguing spouses, siblings, or roommates. The applicant would have received instructions on what resources are available to him or her prior to going into the simulation. The applicant's task would be to use the appropriate skills to calm the participants down and gather sufficient information to write a simple report or make a determination if one or both of the suspects should be arrested. The applicant might then participate in another simulation involving a recent burglary with witnesses available. This task would measure the applicant's ability to gather sufficient information, through questioning, to complete a basic report. As can be seen, we are measuring many skills, such as leadership, judgment, oral and written communication, and the ability to follow instructions.

The assessment center and job sample methodologies have some negative aspects. This testing is expensive and time-consuming to arrange. Some critics note that if care is not taken to provide compelling simulations, realism suffers and applicants are not motivated to perform (Cordner, 1992).

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6. Early Warnings Systems: Some agencies have developed "early warning systems" to monitor officer conduct and identify cases in which further review of an officer's patterns of behavior might be warranted. These systems almost always monitor officers' histories of complaints and disciplinary action, with consideration given to the officers' assignment and the rates and types of complaints that are typically found among similarly-situated officers. Specifically, the following factors have been identified in the professional literature as being relevant to include in these warning systems (Geller & Scott, 1992): (a) civilian complaints against the officer, (b) rates of arrest made for resisting arrest or disorderly conduct, (c) involvement in prior shootings or incidents involving injury, (d) record of assignments, including partners and supervisors, (e) record of discipline, and (f) prior commendations and performance evaluations.

Reviews can be conducted by administrators or peer review panels, and may also include interviews with the officer involved. If problem areas are identified, the reviewers can make recommendations for remediation where appropriate, which could include re-training in areas of need, specialized new training, psychological counseling, or referral to a psychologist for a fitness for duty evaluation.

7. Employee Assistance Programs: It is well known that law enforcement is a highly stressful occupation with the potential for family/relationship difficulties (Borum & Philpot, 1993), alcoholism (Pendergrass & Ostrov, 1986), and other stress-related problems that can affect officers' conduct on-duty. Thus, police agencies are well-advised to provide access to psychological services for their employees. Many agencies have a psychologist either on staff or retained on a consulting basis to handle referrals for counseling or evaluation. Some departments have moved toward more formal programs for employees' mental health services such as Employee Assistance Programs (EAPs). Police administrators should encourage officers

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to seek these services when they need them. Officers are unlikely to utilize these services if they believe the administration will view it as a sign of weakness or instability.

8. Training: Once a clear, defensible use of force policy has been developed and implemented, it becomes necessary to train officers in its interpretation and application so that they can apply it appropriately during encounters in the field. Officers should be able to understand all aspects of the policy and its intent in the context of departmental values and relevant statutory and case law. At least one case from the U.S. Supreme Court also suggested that agencies are indeed responsible for training officers on constitutional standards regarding the use of deadly force by law enforcement officers (City of Canton v. Harris, 1989).

This level of training should focus on application and implementation. There should be discussions about, and possibly even role playing of, likely field scenarios involving potential use of force and how the policy should guide officers' decision-making. Ideally, this would include participation by command (or management-level) personnel and representation from the city attorney or attorney general's office for legal guidance. Specific types of training are described below.

a. Dynamic Training. There is a principle of learning called "state dependent learning" that is important to consider in all aspects of use of force training. This principle suggests that it is easier to recall and apply a skill when the conditions under which it was learned are similar to the conditions in which it is to be applied. This includes not only environmental conditions, but also conditions of physical and mental states. For example, target shooting skills acquired in a distraction-free indoor range and practiced at a relaxed pace may not generalize well to an actual armed encounter because the conditions (internal and external) are dramatically different.

It is sometimes stated that individuals under stress will react according to their training. This is not entirely true. Under conditions of extreme stress, it is not necessarily the "trained"

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response, but the "dominant" response, that emerges. The goal of training in the appropriate use of force is to make the trained response the dominant one. That is, to train officers in a way that allows the correct response to become reflexive and automatic (Borum, 1993).

This points out the importance of "dynamic training" or simulation scenario training under "real life" conditions. Whether training for verbal, physical, or shooting skills, an officer must learn to respond under stressful conditions where the adrenaline is pumping, there are distractions in the environment, and there is a threat to which one must respond. This type of training is called "dynamic" because it changes. The scenario is not set or predictable. The officer must assess and respond to an ongoing situation (Chaney, 1990). Circumstances which are much more similar to actual law enforcement encounters are utilized. The officer can gain a sense of confidence in his or her ability to respond and survive, and, where necessary, can analyze mistakes without having to suffer the actual consequences. Recent advances in the technology of Virtual Reality show tremendous potential for these types of law enforcement training applications.

b. Performance Under Stress. Despite advances over the years in use of force training, insufficient attention is still given to the mental and psychological factors involved in stressful confrontations (Borum, 1993; Borum & Stock, 1992). Officers can learn the techniques and physical skills of defensive tactics and shooting, but if they panic, "freeze," or "overload" under pressure, they may not be able to respond appropriately. Stress and anxiety, at extreme levels, can interfere with an individual's thinking and motor skill performance (Nideffer, 1985); therefore, officers must learn about these psychological and physical reactions, and be trained to control and minimize their negative effects. It is important for officers to realize that such reactions are normal, and that they can learn to control their responses and perform effectively.

Extremely stressful conditions can affect the officer both physically (e.g., tension, rapid breathing and heart rate) and psychologically (e.g., fear, poor concentration, distracting negative

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thoughts). Effects in either area may create anxiety at a level that can interfere with judgment and performance. Through training and exercises in relaxation, breathing control, concentration enhancement, positive self-talk, and mental rehearsal, officers can learn to improve and control their physical and psychological responses. These strategies can be used to improve performance generally, and to minimize any negative effects during high-stress situations specifically (Meichenbaum, 1985).

c. Perceptual Distortion. It is also important to train officers and those who investigate shootings about the range of perceptual distortions that can occur during deadly force encounters (Solomon & Horn, 1986). Perhaps the most common of these (up to 83% in one study) is time distortion. Many officers report feeling an expanded sense of time--that the event seemed to be happening in slow motion, where seconds seemed like minutes (67%). Others, however, have reported an opposite effect, where events seemed to happen faster than actual time (15%). Auditory distortion is also quite common (63%) and typically involves either an intensified (18%) or diminished (51%) intensity of sound during an event. For example, a shot may sound like a cannon or not be heard at all. This "auditory exclusion" phenomenon has obvious implications for reconstruction or investigation of the incident. Another common factor is visual distortion, which was experienced by 56% of the officers in Solomon and Horn's sample. Although some officers may experience a marked increase in perceived detail (18%), the more common distortion is to experience some narrowing of focus, similar to "tunnel vision" (37%). In these cases, the officer becomes completely focused on one specific target area, and blocks out all other surrounding objects or events. Some officers even report that objects or persons in focus appeared to be magnified. This narrowing of visual scope may be particularly intensified when a weapon is involved. This phenomenon, known as the weapon focus effect, has been well- documented in the social science literature (Kramer, Buckhout, & Eugenio, 1990; Loftus, Loftus, & Messo, 1987).

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d. Tactical Training. Clearly, any comprehensive training effort on deadly force use must include extensive tactical and shooting proficiency training. As we have previously noted, firearms training must transcend the firing range and incorporate realistic scenarios and dynamic training. The FBI and a growing number of police departments have created simulated city stages (e.g., Hogan's Alley) where trainers and officers engage in simulated encounters that require officers to make decisions about the proper level of force and to respond under realistic conditions. Officers should also be trained to fire their weapons accurately under a variety of different environmental conditions with variable lighting, after sprinting, and in scenarios with multiple opponents, bystanders, or both (Morgan, 1992). Shooting accurately is an important skill, but the ability to apply (or not apply) that skill appropriately under stressful conditions is equally critical. The goal of tactical training more generally is to teach officers to think critically about all stages of a potentially violent encounter.

9. Human Relations and Cultural Awareness: Many states have begun to include a required training block on "human diversity" in the requirements for basic officer and instructor certification. Training in advanced interpersonal skills and cultural awareness can also have implications for preventing and managing high risk encounters.

Police-suspect encounters are incredibly complex social interactions. Each actor is scanning the other person and the situation for cues of aggression or threat to guide their response. Given that the level of tension in these encounters is often quite high, there is the potential for misinterpreting cues or for inadvertently engaging in behavior that causes the other person to feel a heightened sense of fear or perceived threat. In a survey of Colorado law enforcement agencies, John Nicoletti (1990) found that

elevated stress levels, lack of training, lack of control over the situation and lack of self-confidence were the most frequently cited causes for overreaction, while the behaviors mentioned most frequently as being desirable for de-escalation of force were

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communication and mediation skills, attitude, self-defense and physical condition and anger control. (p. 39)

Thus, the goal of training in human relations and diversity is to help officers to attend appropriately to the interpersonal dynamics of these encounters so that they can better "read" and control the situation.

10. Conflict Management: A natural extension of the human relations training is to broaden skills in conflict management. This goes beyond training in firearms and defensive tactics to helping officers learn about communication, mediation, and negotiation. If an officer lacks appropriate communication and interpersonal skills, the officer may, through his or her own behavior, induce fear in a citizen that could unnecessarily precipitate an aggressive response.

Tactical conflict management or "violence reduction" exercises have been developed in major law enforcement agencies in New York City; Chicago, Illinois; and Dade County, Florida. These programs utilize role playing and scenario exercises to teach officers how to control a potentially violent encounter and to de-escalate, rather than exacerbate, tensions. Offering violence reduction training also strongly reinforces a departmental philosophy about using the "least injurious control techniques" that would be appropriate in any given encounter. Although there have not been any well-controlled empirical investigations of the effectiveness of these violence reduction programs, anecdotal accounts from programs such as the one in Metro-Dade (Miami, Florida) suggest that there has been some success in reducing shootings by police, enhancing officer safety, and improving relations between police and the community.

Case Illustration 2: Officer John Maynard was dispatched to a "domestic disturbance" at 1410 W. Washington Avenue. Sgt. Stan Norman responded as a "backup" unit. At the scene, Tonya Jackson informed them that her husband, LaMont Jackson, had trapped four relatives in a bedroom and had a knife. He had been drinking heavily and was very angry.

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The officers entered the residence, initially drawing their police batons, but not their firearms. The officers encountered Jackson, who was agitated and stabbing the outside of the bedroom door with a knife. Upon seeing the officers, he put the knife down. Officer Maynard directed Jackson to move away from the knife. Instead, Jackson picked it back up and stood still. He was near the kitchen, about 9 to 12 feet from the officers. The four relatives remained in the bedroom, behind Jackson. The officers repeatedly directed Jackson to drop the knife as they drew their firearms. Jackson moved toward the officers, with the knife held in an aggressive posture. When Jackson was about six feet away, Sgt. Norman fired one time, striking Jackson. Jackson continued advancing toward the officers, still holding the knife. Sgt. Norman fired a second round, which caused Jackson to fall to the ground. He subsequently died.

Relevant Considerations:

1. The officers entered the residence with batons, not firearms, drawn. This demonstrates that they were not predisposed to resort primarily to the use of firearms for physical control or even intimidation.
2. The officers were duty bound to protect occupants behind the bedroom door which they had observed Jackson stab repeatedly. Therefore, they could not retreat from Jackson, even for purposes of their own safety.
3. The officers repeatedly and continuously attempted to persuade and direct Jackson to drop the knife.
4. Sgt. Norman waited at his own risk until Jackson was within a distance of about six feet from him until he fired at Jackson, thereby placing himself at great risk.
5. To attempt to use a police baton could have been ineffective use of force and placed others at similar danger to that in which Sgt. Norman found himself.

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6. Sgt. Norman's second shot represented a discreet transaction bought about by Mr. Jackson's second attempt to assault with the knife. Each shot was purposeful and no other alternative existed, given the quickly escalating dynamics of the situation.

7. Forensic findings did not dispute the distance between the subject and Sgt. Norman, as described by Sgt. Norman, at the time he discharged his firearm.

Conclusion

In summary, the available data indicate that the use of lethal force by police is a relatively rare event. In general, police officers appear to be enforcing the law within the constitutional and statutory limitations entrusted to them. Yet, there certainly are some officers who overreact to provocative situations. The authors have attempted to identify the complex interaction between officer and subject that leads to deadly encounters and offer comprehensive strategies to analyze data, select appropriate law enforcement candidates and train them for the important job they are to undertake.

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Annotated Bibliography

1. Geller, W. A. & Scott, M. S. (1992). Deadly Force: What We Know. Washington, DC: Police Executive Research Forum. This book is perhaps the most comprehensive, well-researched, and authoritative source on police deadly force currently available. In a series of five chapters, the authors cover the following topics: studying the use of deadly force, the prevalence of shootings, describing and explaining shootings of and by police, and shooting control strategies. A final chapter provides some guidance for law enforcement agencies on setting standards, supporting officers, managing the public information function and then outlines some directions for future research. The text is full of useful facts, figures, tables, and forms that will be of interest to researchers and practitioners.

2. Fyfe, J. J. (1988). Police Use of Deadly Force: Research and Reform. Justice Quarterly, 5, 165-205. Police use of deadly force first became a major public issue in the 1960s, when many urban riots were precipitated immediately by police killings of citizens. Since that time, scholars have studied deadly force extensively, police practitioners have made significant reforms in their policies and practices regarding deadly force, and the United States Supreme Court has voided a centuries-old legal principle that authorized police in about one-half of the states to use deadly force to apprehend unarmed, nonviolent, fleeing felony suspects. This essay reviews and interprets these developments.

3. Scrivner, E. M. (1994). The Role of Police Psychology in Controlling Excessive Force. Washington, DC: National Institute of Justice (NIJ 146206). This report discusses the role of police psychologists in preventing and identifying individual police officers at risk for use of excessive, nonlethal force and the factors that contribute to police use of excessive force in performing their duties. Data are presented from a survey of 65 police psychologists about the type of services they provide to police departments and how those services were used to control

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force. A typology of five profiles of violence-prone officers is described with some recommendations for intervention at an individual and organizational level.

4. Uniform Crime Reports Section, Federal Bureau of Investigation, U.S. Department of Justice (1992). Killed in the Line of Duty: A Study of Selected Felonious Killings of Law Enforcement Officers. Washington, DC: Federal Bureau of Investigation, U.S. Department of Justice. This publication reports the results of a largely qualitative study of 51 incidents in which police officers were killed in the line of duty. While the results of the study must be viewed cautiously, they provide some detailed information about the officers, the perpetrators, and the context of the deadly police-citizen encounters. The authors identify what they believe is a "deadly mix" of an easy-going officer who will use force only as a last resort with an offender of aberrant behavior in an uncontrolled, dangerous situation." In the final section, they provide recommendations for interviewing and interrogating these subjects and for enhancing training and procedural review. They also identify for law enforcement managers some "signals" that an officer may be at increased risk to be victimized in a high risk encounter.

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