

Thoughts on police use of force issues shared with the WA Post – August 2015

1. Although police training influences the decisions and tactics officers use in the field, it is only one of many factors. The culture of the agency and the values and priorities of the local government for which the agency works are also very powerful factors. Those who have political power and influence decide who the police chief will be and what the values and priorities of the agency will be. If those in power lean heavily toward generating statistics for arrests, no matter what the human cost is, (“Tough on Crime!”) you are likely going to have an agency culture that puts a higher value on making an arrest than minimizing the harm done in the process. On the other hand, if protecting all lives and civil rights is highly valued by the elected leaders, the police agency culture will shift the balance more in favor of protecting rights than executing an arrest. As I mentioned on the phone, at a national and local level, tough on crime has been a very strong political agenda and usually guarantees good electoral results. However, we are starting to see signs of this 50 year old manta, changing.
2. Looking at a use of force incident only at the moment when force is actually applied, such as a police shooting, gives a very incomplete and misleading picture of why the force was used and whether or not there were better alternatives. This is why it’s so critical that police use of force training not only be integrated with training on legal issues, but also with de-escalation skills and patrol tactics. As I mentioned on the phone, some of the tragic uses of force that have dominated the media for the past year were the result of bad tactics being used by officers contacting or arresting people who were involved in rather minor incidents, or using unsafe tactics to approach a person who presented a potential threat.
3. The reason you hear officers use the same type of language when they are justifying their use of force is not because everyone gets the same training – it’s because they are all subject to the same federal case law governing the justifiable (constitutional) use of force. There are a couple of notable federal cases that are routinely covered in police training around the country. But the police training varies from state to state, and even from city to city in the same state. (remember - 18,000 police departments, 650 police academies, hundreds or thousands of private police trainers, no national standards.)
4. Police use of force training needs to emphasize both HOW to use force and WHEN and HOW MUCH to use. Frankly, the “how” is much easier to teach than the “when and how much.” It takes much *longer* to teach “how” to use force because it is a physical skill that needs a lot of frequent repetition. The “when and how much” is *harder* because it is very subjective and requires both intellectual and emotional intelligence. The *culture and values* of a police department are very strong factors that influence this very subjective decision. The decisions are relatively easy and less subjective when a suspect presents an obvious threat, for example striking an officer or reaching for a gun. The more difficult

decisions are those when the suspect is not cooperating and the officer has to decide how much force is appropriate to execute the arrest and how much time and alternative tactics the officer will try before resorting to force. That decision is very strongly influenced by agency culture – which is strongly influenced by the jurisdiction’s political culture. Training is important, but I promise you culture trumps training. *Caveat – With all that said, the more effective physical skills an officer has, the more good options he/she has for controlling a situation. We must always train vigorously in physical control skills.

5. The so called “militarization” of police was not driven by the availability of military equipment. There were many political and cultural factors, which we covered on the phone and Radley Balko covers in the first half of his book. Military equipment is used by many police agencies because is it CHEAPER!!! (in most cases, free) It is not more lethal than equipment and weapons available in the private market. Armored personnel carriers (APCs) are essential to have in every region, kind of like a ladder truck for the fire department. You don’t need them on most calls, but when you need them, nothing else will do and it can make the difference between life and death! Armored personnel carriers should be used for establishing visual contact and getting into close proximity to an armed, barricaded suspect and are necessary to rescue officers and other victims that are down in the line of fire. Every tiny police agency doesn’t need one, but all agencies need to have access to one. Patrol rifles are not valuable because they are more *lethal*. They are valuable because they are more *accurate* and in most cases cause less collateral damage. Yes, they look scarier and they are not appropriate for every police call. If an officer is carrying a rifle, he limits his force options because his hands are tied up carrying the rifle. Like so many other use of force situations, it is a matter of judgment what the best weapon is for any particular incident. Using a rifle or an armored personnel carrier simply to intimidate a crowd is rarely a good idea... *Caveat – While military weapons alone did not create a more militarized police culture, the easy availability has been a factor. City and county elected officials, with the advice of their chiefs and sheriffs, are responsible for setting appropriate policies about what and how many APCs and grenade launchers any given police department should have.

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