

Officer Use of Force Backgrounder

Overview

Based on available open-source data from the *Washington Post*, 992 people in the United States were shot and killed by police in 2018.¹ Given the individual nature of each case, it is impossible to quantify how many of these police shootings could have been averted through other use of force principles. Officers face rapidly evolving and unpredictable situations so it is difficult to determine if the person involved in a police-involved deadly force encounter is a threat and justifies the use of violent force. However, 44% of individuals involved in police shootings in 2018 were not brandishing a firearm. While knives and blunt objects can be just as deadly as firearms, these are the shootings that reach national headlines and have people asking the question, “Did the officer *have* to shoot them.”

The U.S. Supreme Court’s landmark 1989 decision in *Graham v. Connor* outlines broad principles regarding what police officers *can legally do* in possible use-of-force situations, but it does not provide specific guidance on what officers *should do*. In the words of Chief Cathy Lanier of the Metropolitan Police Department of Washington, D.C., “The question is not, ‘*Can* you use deadly force?’ The question is, ‘Did you *absolutely have to* use deadly force?’”²

One of the common solutions expressed to reduce the amount of use of force incidents is to focus more on de-escalation training. According to a survey conducted by the Police Executive Research Forum (PERF), police recruits on average train 58 hours on firearms and 49 hours on defensive tactics. On the other hand, recruits only spent 8 hours training on topics such as de-escalation, crisis intervention, and Electronic Control Weapons. This training imbalance continues through in-service training and helps shed light on the fact that departments and institutions are not providing officers with the full range of tools to control situations and reduce lives lost.

Use of force incidents are not only a strain on the families of the involved individual and the mental health of the officer, they also deplete law enforcement and local government budgets. Liability claims against law enforcement officers, their agencies, and local governments can cost millions of dollars a year. From large cities to small towns, the cost of claims comes from local taxpayers. For example, in FY 2015 New York City paid \$202.6 million to settle claims brought against the New York City Police Department, substantially more than the \$154.1 million paid in the previous fiscal year.³

Solutions and Best Practices from the Field

PERF’s 30 Guiding Principles for the Use of Force – The report presents 30 Guiding Principles on Use of Force that are designed to provide officers with guidance and options, and to reduce unnecessary uses of force in situations that do not involve suspects armed with

¹ <https://www.washingtonpost.com/graphics/2018/national/police-shootings-2018/>

² Police Executive Research Forum, 2016. “Critical Issues in Policing Series: Guiding Principles on Use of Force.” 15.

³ Copple, Colleen K., and James E. Copple. 2018. *Risk Management in Law Enforcement: Discussions on Identifying and Mitigating Risk for Officers, Departments, and the Public*. Washington, DC: Office of Community Oriented Policing Services.

firearms. PERF conducted site visits to police departments to discover innovative solutions from the field. The site visits were not limited to the United States and included a major site visit to Scotland to experience first-hand the training and tactics that Scottish police employs when dealing with persons with mental illness and those who are armed with knives or other non-firearm weapons.

The 30 Guiding Principles cover four thematic areas which are the following: (1) Policy, (2) Training & Tactics, (3) Equipment, and (4) Information Exchange. Several principles place more focus on proportionality, reformed decision-making models, and de-escalation when deciding to use force. Through their research, PERF found that many departments across the country employ antiquated use of force policies which either formally or informally include strict use of force continuums, the “21-foot rule,” and “drawing a line in the sand.”

Camden, New Jersey Use of Force Principles – This directive establishes guidelines for officers with regard to use of force. It applies to all uses of force, whether officers are on- or off-duty. The new principles complement the Critical Decision-Making model (CDM) that is the core of the Department’s use of force training. CDM provides officers with an organized way of making decisions about how they shall act in any situation, including situations that may involve potential uses of force.⁴

Philadelphia Use of Force Assessment – The CNA Institute for Public Research and the DOJ Office of Community Oriented Policing Services (COPS) collaborated on an extensive study of Philadelphia Police Department’s (PPD) use of force principles. The COPS Office and the PPD established the goal to examine and reform deadly force policies, practices, and related processes in the PPD, taking into account national standards, best practices, current and emerging research, and community expectations.

One important finding among personal interviews with officers and focus is the divergence between PPD officers and PPD policy on what constitutes an appropriate use of force. The statement “fear for my life” was the most common theme throughout the collaborative team’s conversations with officers. Notably, the report highlighted that the word “fear” does not appear in PPD directives on use of force and federal court case *Deorle v. Rutherford* found that an officer being in fear of one’s life is not an objective factor in determining the use of force.

The collaborative team analyzed the existing use of force directives (Specifically Directive 10 and 22) and offered potential solutions to improve department policies and policing outcomes. Some of these policies include completing deadly force incident investigations in a more transparent and timely manner, establishing an updated use of force training regiment, and a stronger prohibition on firing at moving vehicles. In total, the extensive investigation yielded 48 findings and 91 recommendations for the department to consider in reforming its deadly force practices.⁵

⁴ Camden County Police Department, 2013. “Use of Force.”

⁵ Fachner, George, and Steven Carter. 2015. *An Assessment of Deadly Force in the Philadelphia Police Department*. Collaborative Reform Initiative. Washington, DC: Office of Community Oriented Policing Services.