

Guiding Principles On Use of Force



SANCTITY OF LIFE • PROPORTIONALITY • DUTY TO INTERVENE • DE-ESCALATION
• OFFICER SAFETY • DISTANCE + COVER = TIME • CRISIS INTERVENTION •
CRITICAL DECISION-MAKING MODEL • CONTAIN AND NEGOTIATE • TIME
IS ON OUR SIDE • TACTICAL COMMUNICATIONS • CHALLENGING CON-
VENTIONAL THINKING • TACTICS • SCENARIO-BASED TRAINING • LESS-LETHAL
OPTIONS • ETHICS • AGENCY VALUES • RENDER FIRST AID • OFFICER
WELLNESS • TRAINING AS TEAMS • PERSONAL PROTECTION SHIELDS •
SUPERVISORY RESPONSE • SLOWING THE SITUATION DOWN • TACTICAL
REPOSITIONING • COMMUNITY-POLICE TRUST • POLICE CULTURE • SAFE
ZONE • CALL-TAKERS AND DISPATCHERS • TRANSPARENCY • ACCOUNTABILITY



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CRITICAL ISSUES IN POLICING SERIES

Guiding Principles on Use of Force

March 2016



POLICE EXECUTIVE
RESEARCH FORUM

Cover photos:

Left: New York Police Department Emergency Service Unit officers demonstrate a response to a mentally ill man barricaded in a room with a pickaxe (see page 103).

Middle: In November 2015, Camden County, NJ officers responded to a man on the street brandishing a knife. The officers followed the man, kept a safe distance, and were able to safely arrest him when he dropped the knife. No shots were fired and no one was injured (see pp. 31–32). Video available here: <https://www.youtube.com/watch?v=YtVUMT9P8iw>

Right: Two Police Scotland officers demonstrate tactics for responding to a person wielding a bat (see pp. 88–113).

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Contents

Acknowledgments	1
-----------------------	---

Why We Need To Challenge Conventional Thinking on Police Use of Force, by Chuck Wexler..... 4

A Focus on Mental Illness and Non-Gun Incidents	5
---	---

What Use-of-Force Statistics Tell Us.....	6
---	---

The Research and Conferences of Police Officials Behind This Report.....	8
--	---

Key Insights from PERF's Work	13
-------------------------------------	----

<i>Sidebar: How Professional Policing Standards Can Become Legal Standards.....</i>	18
---	----

Enhancing Officer Safety and Wellness	22
---	----

<i>Sidebar: Officer Wellness Is Fundamental to Officer Safety and Effectiveness: The San Diego Model</i>	23
--	----

What You Will Find in This Report	25
---	----

<i>Sidebar: Camden's Ethical Protector Program Is Similar to the PERF 30, by Camden County, NJ Police Chief J. Scott Thomson</i>	31
--	----

PERF's 30 Guiding Principles on Use of Force 33

<i>Sidebar: With Better Policies, Training, and Equipment, We Can Reduce Police Shootings and Keep Officers Safe, by Former Miami Police Chief John F. Timoney</i>	45
--	----

<i>Sidebar: Managing Use of Force in the NYPD, by Police Commissioner William J. Bratton</i>	50
--	----

<i>Sidebar: Seattle Police Department Data Demonstrates How Crisis Intervention Training Reduces Use of Force, with Commentary by Police Chief Kathleen O'Toole.....</i>	58
--	----

<i>Sidebar: Dash Cam Captures Seattle Officer Talking Calmly to Man with a Knife</i>	60
--	----

<i>Sidebar: The Importance of Supervisors and Emergency Dispatch Personnel, by St. Paul, MN Police Chief Thomas Smith</i>	70
---	----

<i>Sidebar: We Are Using the PERF 30 to Refine Our Policies and Training, by Nashville Police Chief Steve Anderson.....</i>	72
---	----

<i>Sidebar: Police Agencies Are Adopting Elements of the "PERF 30" Guiding Principles</i>	74
---	----

PERF’s Critical Decision-Making Model..... 79

*Sidebar: How Nassau County PD Is Using the Critical Decision-Making Model,
by Inspector Ronald Walsh 83*

Lessons Learned from Police Scotland 88

*Sidebar: For Insight into Use-of-Force Issues, Look Back Two Centuries
to Sir Robert Peel, by Robert K. Olson..... 94*

Conclusion: The Policing Profession is Moving Forward 116

About PERF..... 121

About Motorola Solutions
and the Motorola Solutions Foundation 123

Appendix: Participants at the PERF Summit,
“Guiding Principles on Use of Force” 124



PERF’s January 29, 2016 Summit at the Newseum in Washington, DC

Acknowledgments

THIS REPORT, THE 30TH IN PERF'S CRITICAL ISSUES IN POLICING SERIES, represents the culmination of 18 months of research, field work, and national discussions on police use of force, especially in situations involving persons with mental illness and cases where subjects do not have firearms.

The Critical Issues series has always focused on the most consequential emerging issues facing police agencies. In 2016, no issue is of greater consequence to the policing profession, or to the communities we serve, than the issue of police use of force. Beginning in the summer of 2014 and continuing over the past year and a half, our nation has seen a series of controversial cases, many of them captured on videos taken by the police, bystanders, or nearby security cameras.

These events have sparked protests across the country and soul-searching among police executives. They have also threatened community-police relationships in many areas and have undermined trust.

This report is grounded in four national conferences; a survey of police agencies on their training of officers on force issues; field research in police agencies in the United Kingdom and here at home; and interviews of police trainers and other personnel at all ranks, as well as experts in mental health.

PERF members and other police officials have defined the issues detailed in this report, and have shared information about the strategies they are undertaking to improve the police response to critical incidents in ways that increase everyone's safety. The 30 Guiding Principles and the Critical Decision-Making Model contained in this report reflect the vision of hundreds of police chiefs and other PERF members, and we are grateful for everyone's contributions.

Once again I thank the Motorola Solutions Foundation for supporting the Critical Issues in Policing series. By supporting our conferences and the dissemination of our reports, Motorola helps PERF to identify and address the most important issues facing the policing profession.

Thanks go to Jack Molloy, Senior Vice President for Sales, North America; Jim Mears, Senior Vice President; Gino Bonanotte, Executive Vice President and Chief Financial Officer; Cathy Seidel, Corporate Vice President, Government Relations; Matt Blakely, Director of the Motorola Solutions Foundation; and Rick Neal, retired Vice President at Motorola Solutions and now President of the Government Strategies Advisory Group, who continues to help us with these projects.

This effort has benefited from numerous police officials not only in the United States, but in the United Kingdom as well. As described in one of this report's chapters, Police Scotland offers valuable perspectives on the police response to certain types of calls—particularly those that involve people with a mental illness who are brandishing a knife or baseball bat, but who do not have a gun. Because the vast majority of Scottish police officers do not themselves carry firearms, they receive extensive training on how to resolve such incidents without using a firearm.

In November 2015, Police Scotland hosted a delegation of police chiefs and other high-ranking officials from nearly two dozen American police agencies, for four days of training demonstrations, presentations, and candid discussions. In addition, Police Scotland sent representatives to Washington, D.C., where they provided information and perspectives as we developed the framework for our January 29 national conference which is summarized in this report. While the cultures and crime problems of our two countries are different in certain ways, we share many of the same challenges, and we have learned a great deal from each another.

I especially want to recognize Sir Stephen House, the first Chief Constable of Police Scotland, whom I have known since his days at the Metropolitan Police Service of London, for opening up Police Scotland to us and for exemplary leadership throughout his career. We are also grateful to Chief Constable Philip Gormley (who succeeded Sir Stephen in January 2016); Deputy Chief Constable Ian Livingstone; Assistant Chief Constable Bernard Higgins; Superintendent Alan Gibson (Head of Training Delivery at Police Scotland College); Superintendent Kirk Kinnell; Superintendent Catriona Paton; Chief Inspector Alison Higgins; Inspectors Adam Barnie, Murdoch MacLeod, Graham Miller, and Joe Thomson; Sergeants Claire Fletcher, Dale Martin, Ian Scott, and James Young; and Constable John Brownlie. The dedication and professionalism demonstrated by these individuals and the entire Police Scotland team were exemplary. PERF is especially indebted to Bernie Higgins and to Sergeant Young, who led many of the discussions in Scotland, and then traveled to the United States to share his knowledge and experience with American colleagues.

I am also very grateful to the members of the New York City Police Department Emergency Service Unit (ESU). The ESU welcomed PERF during our field visit in December 2015, showing us how they train and operate in responding to incidents involving mental illness and knives. Perhaps the most important insight was that the NYPD's ESU response is very similar to what we saw in Scotland. I am grateful to Commissioner William Bratton for understanding our objective and making the resources of the NYPD available to us. Several members of the ESU participated in PERF's two meetings in January 2016, sharing ESU training and tactics and demonstrating the variety of shields that the unit employs to increase officer safety. I want to acknowledge Deputy Chief Vincent Giordano, Deputy Inspector Matthew Galvin, Lieutenant Sean Patterson, Sergeant John Flynn, and Detectives Steven Stefanakos and Robert Zajac. New York City is safer because of the work of the ESU, and the policing profession will benefit from their contributions to this report.

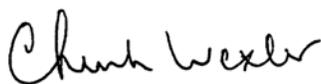
Thanks also go to the men and women of the Police Service of Northern Ireland, led by Chief Constable George Hamilton. In January 2016, PSNI

allowed PERF staff members to ride the streets of Belfast with their officers and learn how they approach use-of-force issues in a society that has experienced problems with gun violence and terrorism, and where police officers are armed. A special thank-you to Deputy Chief Drew Harris; Superintendent Bobby Singleton; Una Williamson, who coordinated our visit; and Sergeant Dave McNally, who spent considerable time explaining the PSNI's use-of-force policies and practices.

Finally, I'm grateful for the talented and hard-working members of the PERF staff. There was not a single member of the PERF team who did not contribute to this effort in one way or another. Arranging and planning our field visits, conferences, and research for this project required an "all hands on deck" approach, and my staff responded with typical determination. Tom Wilson, Director of Applied Research and Management, skillfully directed the overall effort and provided valuable perspectives from his 24 years with the Anne Arundel County, MD Police Department. Kevin Morison, Director of Program Management, was extensively involved in this work from the ground up. Kevin skillfully drafted this report, pulling together information from countless sources and organizing it clearly. Deputy Chief Pam Davis of the Anne Arundel County Police Department served as a PERF Fellow throughout much of this project and offered insights from an operational perspective into the difficult issues we confronted.

Research Assistant Sarah Mostyn oversaw logistics and planning for the key meetings in January, and served as PERF's photographer as well. Senior Research Associate Lindsay Miller Goodison; Research Associates Rachael Arietti and Jason Cheney; and Research Assistants Matt Harman, Allison Heider, and Adam Kemerer all assisted with meeting preparations and staffing. My Executive Assistant, Soline Simenauer, once again provided superb administrative and planning support, serving as my right arm on two continents this time. Communications Director Craig Fischer and Communications Coordinator James McGinty developed important content and assisted with the drafting of this report. James also provided flawless handling of the training videos and other visual aids at our conferences. PERF's graphic designer, Dave Williams, produced the report. My Chief of Staff, Andrea Luna, oversees the entire Critical Issues in Policing series. Once again, she provided vital direction to this effort.

This report, and the months of hard work that preceded it, represent one of PERF's most significant undertakings in our 40-year history. I hope you find this report valuable as the policing profession continues to develop new use-of-force policies, training, strategies, and tactics that protect everyone's safety and strengthen the foundation of trust between our communities and our police.



Executive Director
Police Executive Research Forum
Washington, D.C.

Why We Need To Challenge Conventional Thinking On Police Use of Force

By Chuck Wexler

ULTIMATELY, THIS REPORT IS ABOUT THE SANCTITY OF ALL HUMAN LIFE—the lives of police officers and the lives of the people they serve and protect. The preservation of life has always been at the heart of American policing. Refocusing on that core ideal has never been more important than it is right now.

American policing is at a critical juncture. Across the country, community members have been distressed by images of police officers using deadly force in questionable circumstances. These incidents are an infinitesimal fraction of the millions of interactions that take place between the police and the public every week. Most police officers never fire their guns (except during training) throughout their entire careers, yet they face enormous challenges and risks to their own safety on a regular basis and they perform their jobs admirably. But police chiefs tell us that even one bad encounter can damage trust with the community that took years to build.

Others tell us that there is an upheaval within the policing profession itself. Officers who in the past exuded great pride in wearing the badge now feel underappreciated by some members of the public, who seem to question their every move and motive.

PERF members also tell us that there is a crisis of public safety and officer safety. Violent crime shot up in many U.S. cities last year—the result, some have said, of the so-called “You Tube effect,” with some officers hesitant to police proactively for fear of becoming the subject of the next viral video, and residents who have grown reluctant to partner with the police in community policing efforts. At the same time, violence against police officers, including attacks on officers *just for being police officers*, seems to have become more brutal and senseless.

As a research organization of law enforcement executives, PERF hears from police chiefs and other officials every day. And what we are hearing is that the policing profession must take the initiative and address the serious challenges confronting it today. That means rethinking some of the fundamentals of policies, training, tactics, and equipment regarding use of force. We need to challenge the conventional thinking on how the police approach some potential

use-of-force situations, in particular those that involve people with mental illness who do not have a firearm.

Many of the strategies recommended in this report, such as Crisis Intervention Team training and de-escalation, are already in place in many police agencies, and have been for years. Other strategies, such as the Critical Decision-Making Model, are just beginning to be adopted by leading police agencies.

This report reflects the latest thinking on police use-of-force issues from the perspective of many of the nation's leading police executives. These leaders are quoted in this report and in four previous PERF reports on these issues, three of which were released within the last year.¹

A Focus on Mental Illness and Non-Gun Incidents

This document details 18 months of intensive work on the issue of police use of force and its impact on community-police relationships and on officer safety and public safety. PERF members and other experts provided the information and insights that are the foundation of this report. Our work has centered on how the profession can improve in the key areas of use-of-force policies, training, tactics, and equipment.

We have focused especially on two types of police encounters:

- 1. With subjects who have a mental illness, a developmental disability, a condition such as autism, a drug addiction, or another condition that can cause them to behave erratically or threateningly; and**
- 2. With subjects who either are unarmed, or are armed with a knife, a baseball bat, rocks, or other weapons, *but not a firearm.***

It is these situations—not incidents involving criminal offenders brandishing guns—where we see significant potential for reducing use of force, while also increasing officer safety.

It is important to note that in nearly all of the use-of-force incidents that have proved controversial, *the officers should not be faulted*, because their actions reflected the training they received. What PERF and leading police chiefs call for in this report are changes in policies, training, tactics, and equipment that *provide officers with better tools for handling difficult situations*. And we recommend discontinuing outdated concepts, such as use-of-force continuums, the so-called “21-foot rule,” and the idea that police must “draw a line in the sand” and resolve all situations as quickly as possible.

In short, this report attempts to move policing to a higher standard when it comes to how and when officers use force in situations where they and the public are not threatened with firearms. By adopting the Guiding Principles and other approaches presented in this report, police agencies can make policing

1. *Re-Engineering Training on Police Use of Force; Advice from Police Chiefs and Community Leaders on Building Trust; Defining Moments for Police Chiefs; and An Integrated Approach to De-Escalation and Minimizing Use of Force.* <http://www.policeforum.org/free-online-documents>

safer for officers and the public they serve—and, in the process, restore public trust and advance as a profession.

What Use-of-Force Statistics Tell Us

As PERF began examining this issue in depth, we discovered what many police chiefs, criminologists, federal officials, and others have been noting for some time: There is a lack of complete and reliable national data on police use of force. The FBI currently reports justifiable homicides by law enforcement officers, but those figures are limited to cases in which the subject was killed while committing a felony, and they rely on voluntary reporting by individual police agencies. From 2010-2014, the FBI reported approximately 428 such cases a year.²

At PERF's Town Hall meeting in October 2015, FBI Director James B. Comey acknowledged that current data collection systems are unacceptable, because they fail to provide a full picture of how often, and under what circumstances, police in the United States use force. Director Comey has announced that the FBI is launching a major initiative to collect more detailed information on police use of force and to report it in a more timely manner.

“We hope this information will become part of a balanced dialogue in communities and in the media—a dialogue that will help to dispel misperceptions, foster accountability, and promote transparency in how law enforcement personnel relate to the communities they serve,” Mr. Comey wrote in a special message that accompanied the release of the 2014 Uniform Crime Reports data.³ Reporting of the new use-of-force data is not expected to begin until 2017, however.

In the meantime, two news organizations—*The Washington Post* and *The Guardian*—have undertaken major projects to gather police use-of-force statistics. Using open-source data from news reports and other resources, these news outlets have begun compiling data on civilians who die during encounters with the police. *The Washington Post* reported that 990 people were shot and killed by police in 2015.⁴ *The Guardian*, which counts both fatal shootings and other in-custody deaths, reported 1,134 deaths last year.⁵

Having to rely on unofficial data is hardly ideal. However, the numbers provide important context and point to areas where, through improved policy and training, police agencies can look to reduce deadly encounters.

The Washington Post reported that 990 people were shot and killed by police in 2015. In approximately 25 percent of the incidents, the subject displayed signs of mental illness. In 16 percent, the subject was armed with a knife. In 9 percent, the subject was unarmed.

2. *Crime in the United States, 2014*. Expanded Homicide Data, Table 14, “Justifiable Homicide.” FBI. https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/expanded-homicide-data/expanded_homicide_data_table_14_justifiable_homicide_by_weapon_law_enforcement_2010-2014.xls

3. “Message from the Director,” 2014 Crime in the United States, 2014. <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/resource-pages/message-from-director>

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

5. <http://www.theguardian.com/us-news/2015/dec/31/the-counted-police-killings-2015-young-black-men>

For example, the *Washington Post* data show that in 28 percent of the fatal shootings, the person who died was shooting at officers or someone else, and in 31 percent of the incidents, the person was pointing a gun.⁶

These cases are not the focus of PERF's work. When a criminal suspect is threatening an officer or a member of the public with a firearm, the officer generally has limited options besides deadly force for stopping the threat.

Several Hundred Officer-Involved Shootings Last Year Did Not Involve Subjects with Firearms

Regarding non-firearm encounters, the *Washington Post* data indicate the following:⁷

- In approximately 25 percent of the 990 fatal officer-involved shootings in 2015, the subject displayed signs of mental illness.
- In 16 percent of the cases, the subject was armed with a knife.
- In 9 percent, the subject was unarmed.
- In 5 percent, the subject was “armed” with a vehicle.

It is in these types of cases, representing as many as one-third of the annual total of fatal officer-involved shootings, that leading police executives believe there is significant potential for de-escalation and resolving encounters by means other than the use of deadly force.

To mention one type of case as an example, family members sometimes call police when they need to have a loved one with mental illness transported to a treatment facility, and the person, typically “off his meds,” does not want to go. In some of these cases, police have perceived a threat when they arrived and found the person holding a knife, screwdriver, or other implement. In some instances, the officers have used deadly force, resulting in tragic news stories in which the family members say they called the police because they needed help, not because they ever expected that police would use deadly force against their loved one.

Of course, there will be some non-firearm situations in which officers face an immediate and severe threat to themselves or others. In these circumstances, officers may have little choice but to take immediate steps—up to and including the use of deadly force—to mitigate the threat. Such was the case in October 2014 when a man wielding an 18-inch hatchet suddenly charged four New York City Police Department officers on a street in Queens. One officer was struck in the head and another in the arm before other officers drew their firearms and shot and killed the attacker.⁸ The entire incident occurred in seven seconds, police said.⁹

6. <https://www.washingtonpost.com/graphics/national/police-shootings-year-end/>

7. <https://www.washingtonpost.com/graphics/national/police-shootings-year-end/>

8. “New York City Police Kill Man Who Hit 2 Officers With Hatchet,” *The New York Times*, October 23, 2014. <http://www.nytimes.com/2014/10/24/nyregion/new-york-police-fatally-shoot-man-who-attacked-officer-with-a-hatchet.html>

9. “NYPD: Hatchet attack an act of terror,” *CNN*. November 5, 2014. <http://www.cnn.com/2014/10/24/us/new-york-police-attacked/>

But in other cases when police respond to non-firearms cases, the threat is not immediate and the officers will have options for considering a more methodical, organized approach that may involve bringing additional personnel and resources to the scene. By focusing efforts on those cases, there is a potential that hundreds of lives per year might be saved. And for each life that is saved, there is a police officer who will not have to endure the emotional trauma and professional turmoil associated with being involved in a fatal shooting.

This aspect of officer-involved shootings is rarely talked about but is widely known among police executives. Officers who have to use deadly force often face serious challenges for the rest of their lives, including legal issues as well as possible emotional, physical, and psychological issues. Rethinking use-of-force policies and training can not only save lives but save careers as well.

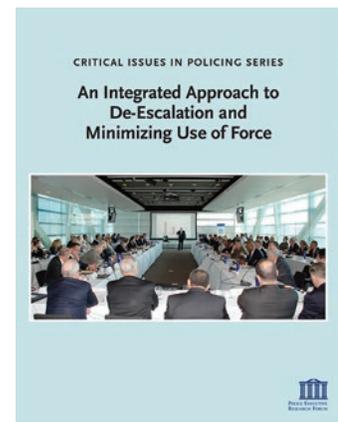
The Research and Conferences Of Police Officials Behind This Report

PERF has been studying use-of-force issues for decades. In 1992, we published “Deadly Force: What We Know,” a comprehensive police practitioner’s reference on police-involved shootings.¹⁰ In 2005 and 2007, PERF released two Critical Issues in Policing reports on reducing use of force.¹¹ In 2005 and again in 2011, PERF worked with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office) to develop guidelines on Electronic Control Weapons.¹² And in 2012, when the term “de-escalation” was still relatively new in policing circles, PERF published “An Integrated Approach to De-Escalation and Minimizing Use of Force,” which provides guidance on minimizing use of force in situations involving mental illness and other conditions that can cause erratic behavior.¹³

These and other efforts have helped to inform and shape our most recent work on use of force.

Following is a summary of the major elements of research over the past 18 month underlying this report:

“Defining Moments” conference and report: In the summer of 2014, several controversial uses of force and resulting protests generated headlines nationwide and around the world. At that time, PERF was planning to hold



10. *Deadly Force: What We Know* (1992). Police Executive Research Forum.

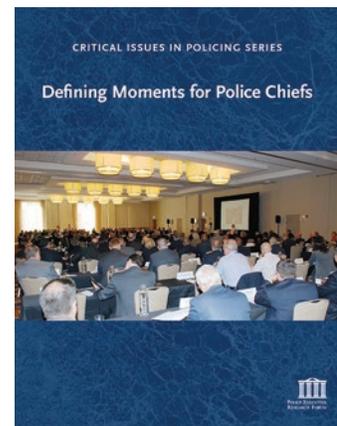
11. *Chief Concerns: Exploring the Challenges of Police Use of Force* (2005) and *Strategies for Resolving Conflict and Minimizing Use of Force* (2007). These reports and others are available online at <http://www.policeforum.org/free-online-documents>.

12. *Electronic Control Weapon Guidelines* (2011). Police Executive Research Forum. http://www.policeforum.org/assets/docs/Free_Online_Documents/Use_of_Force/electronic%20control%20weapon%20guidelines%202011.pdf

13. *An Integrated Approach to De-Escalation and Minimizing Use of Force* (2012). Police Executive Research Forum. http://www.policeforum.org/assets/docs/Critical_Issues_Series/an%20integrated%20approach%20to%20de-escalation%20and%20minimizing%20use%20of%20force%202012.pdf

a national conference in September 2014 on “Defining Moments for Police Chiefs”—the types of incidents that put a police chief’s judgment and skills to the test. The police chiefs on PERF’s Board of Directors agreed that PERF should lengthen the Defining Moments conference from one to two days, in order to allow for a full day of discussion of the events in Ferguson, Missouri as “A National Defining Moment for Policing.”

On September 16–17, 2014, approximately 180 police executives and others met in Chicago for this discussion. Specifically, the police chiefs and other participants discussed three major topics: (1) whether and how police agencies should publicly release the name of the officer and other critical information following an officer-involved shooting; (2) perceptions of “militarization” of police in response to large-scale demonstrations; and (3) de-escalation strategies, particularly new concepts for reviewing the moments *before* a use of lethal force, to see if officers missed opportunities for de-escalating the situation, rather than focusing solely on the moment when lethal force was considered necessary and was used. The report on the “Defining Moments” conference was published in February 2015.¹⁴



National survey on use-of-force training: One of the key issues to emerge from the “Defining Moments” conference was the need to rethink the training that police officers receive on use of force, specifically on de-escalation strategies and tactics. So in the spring of 2015, PERF conducted a survey of PERF member agencies on the training they provide to new recruits in the police academy and to experienced officers during in-service training.¹⁵ The survey found that while agencies spend a median of 58 hours of recruit training on firearms and another 49 hours on defensive tactics (much of it state-mandated), they spend only about 8 hours of recruit training each on the topics of de-escalation, crisis intervention, and Electronic Control Weapons (see page 10). A similar imbalance was noted with in-service training.

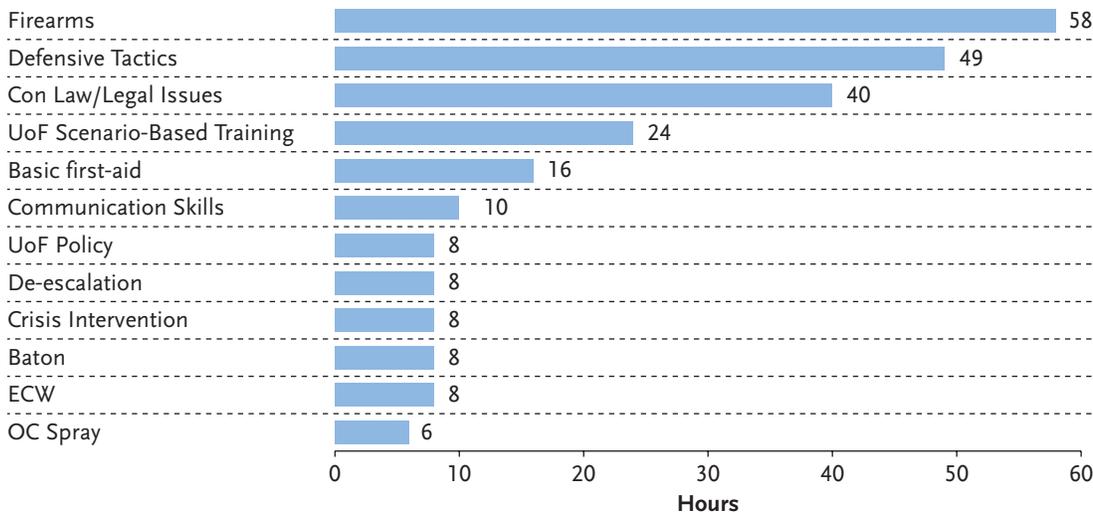
PERF also has noted that officer training on use of force should be more integrated and scenario-based. Often, police academies begin with training officers on the mechanics of using firearms, and the legal issues governing use of force, de-escalation and crisis intervention strategies, and other related topics are not covered until weeks later, usually in separate sessions. PERF has called for integrated training that combines these related topics in scenario-based sessions. Officers should be trained to consider all of their options in realistic exercises that mirror the types of incidents they will encounter, such as persons with a mental illness behaving erratically or dangerously on the street.

“Re-Engineering Training” conference and report: With the survey and other information in hand, PERF convened another national conference on May 7, 2015, to elicit more specific ideas on new approaches to training on

14. *Defining Moments for Police Chiefs* (2015). Police Executive Research Forum. <http://www.policeforum.org/assets/definingmoments.pdf>

15. The survey findings are summarized in the PERF Report, *Re-Engineering Training on Police Use of Force*, <http://www.policeforum.org/assets/reengineeringtraining1.pdf>, pp. 11-12.

Recruit Training: Hours Spent on Use-of-Force Topics (median values)

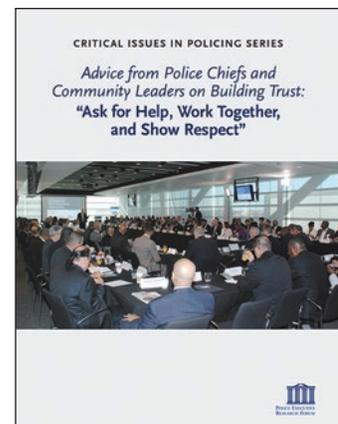
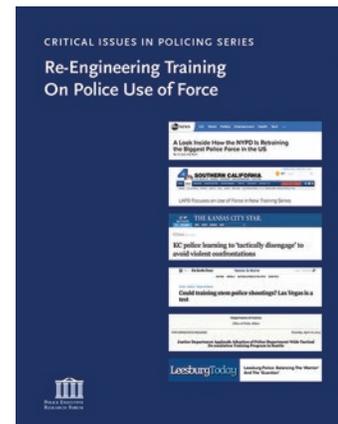


Source: Police Executive Research Forum

use of force. That conference, in Washington, D.C., brought together nearly 300 police chiefs and other law enforcement executives, federal government officials, academic experts, and, importantly, representatives from policing agencies in the United Kingdom. Because the vast majority of police officers in England and Scotland do not carry firearms, agencies there have developed innovative ways to train their officers on how to deal with suspects armed with knives, baseball bats, and other weapons besides firearms. The dialogue and findings from the conference were captured in PERF’s August 2015 report, “Re-Engineering Training on Police Use of Force.”¹⁶ The “Re-Engineering Training” report includes discussions by police chiefs and others about many of the concepts in this report.

“Building Police-Community Trust” conference and report: Recognizing the importance of community-police relationships and trust to both public and officer safety, PERF organized a conference in Washington, D.C., on July 10, 2015 that brought together the police chief and one respected community leader from each of 75 cities across America. The chiefs and community leaders engaged in a candid discussion of the state of community-police relationships, how recent use-of-force incidents have impacted those relationships, and the strategies they have found most effective for building trust with each other. The report from that conference, published in March 2016 as part of our Critical Issues in Policing series, presents 18 specific suggestions on strengthening community-police relationships.¹⁷

Field study at Police Scotland: Next, PERF arranged for police chiefs and other high-ranking executives from 23 American police agencies to travel to



16. Ibid.

17. Advice from Police Chiefs and Community Leaders on Building Trust: “Ask for Help, Work Together, and Show Respect.” <http://www.policeforum.org/assets/policecommunitytrust.pdf>

Scotland to witness how officers there are trained in the concepts described in the “Re-Engineering Training” report. On November 10–13, 2015, PERF led a delegation of these American police officials to the Police Scotland College at Tulliallan Castle. There, in both classroom discussions and scenario-based training exercises, the American officials experienced first-hand the training and tactics that Police Scotland employs when dealing with persons with mental illness and those who are armed with knives or other non-firearm weapons. (See pages 88–115 of this report for a detailed description of PERF’s field work in Scotland.)



Two Scottish officers demonstrate tactics for responding to a person wielding a bat

One of the key elements of the UK response is a training and operational tool called the “National Decision Model” (NDM). It is used by personnel at all levels of the agency to structure and support their decision-making. Using the NDM, officers ask themselves a series of questions to guide their response to a variety of situations, including incidents that have the potential for the use of force. In this way, officers can often buy themselves more time to gather information about the incident, establish and maintain communication with the person, bring in additional officers and resources as needed, and otherwise try to resolve it with a response that is proportional to the threat, as well as ethical and safe.

Representatives of Police Scotland attended two subsequent meetings in Washington, D.C., to explain their approach to American police officials and answer questions.

Field study at the New York City Police Department Emergency Service

Unit (ESU): As noted in PERF’s “Re-Engineering Training” report, many of the approaches PERF was hearing about from police chiefs, such as tactical disengagement, preservation of life training, tactical communications to minimize use of force, scenario-based training, emotional intelligence training, and stress management for officers during critical incidents, are already being implemented in some U.S. police agencies.¹⁸

PERF learned that the New York City Police Department Emergency Service Unit (ESU) is considered a leader in these strategies, and in the training it receives to handle a very wide range of incidents. The ESU responds to hundreds of critical incidents every year, many involving people experiencing a mental health or substance abuse crisis.

PERF staff members conducted field research at NYPD’s Floyd Bennett Field in December 2015. We observed their training, tactics, and specialized equipment. A key focus was on how some of the principles used by the specially-trained ESU personnel in responding to critical incidents could be used by patrol officers as well, because they are typically the first responders on most scenes. Deputy Inspector Matthew Galvin, the ESU executive officer,

18. See “Re-Engineering Training” report, pp. 5-6. <http://www.policeforum.org/assets/reengineeringtraining1.pdf>



NYPD ESU officers demonstrate their response to a mentally ill person brandishing a knife

and members of his team participated in subsequent PERF meetings to further share their knowledge and expertise.

In addition, PERF staff members visited the NYPD Training Academy to observe its three-day class for all police officers focusing on communication, conflict resolution, and de-escalation. In 2015, the NYPD presented this class to all of its nearly 35,000 sworn members, who trained as teams across all shifts.¹⁹

Field study at the Police Service of Northern Ireland: In January 2016, PERF staff members visited Belfast to learn how the principles of de-escalation and the National Decision Model are used in Northern Ireland. Northern Ireland has experienced significant problems with both firearms violence and terrorism, and its police officers are armed, unlike the police forces in England and Scotland, where large majorities of officers do not carry firearms.

Despite these differences, PSNI personnel told us that, like their colleagues in other parts of the UK, they rely on communications, de-escalation, and the National Decision Model in their encounters with combative subjects. Officers rarely use their firearms against offenders with edged weapons.

Police Service of Northern Ireland Sergeant Dave McNally:

Our Officers Are Seldom Required To Use Firearms Because They Have Other Options

It's a consequence of the terrorist threat that our police officers are all armed with a handgun, which isn't the case in Scotland, England, and Wales. Our officers are armed for their protection, but there are many, many circumstances that routine officers respond to—domestic disturbances, robberies, burglaries—where they are not required to use their firearms because they have other options available to them.

I can't think of an example where a police officer in Northern Ireland has had to use live rounds against an individual with a knife or a bat. There are numerous calls to those individuals that are dealt with daily by routine officers, armed only with a handgun for personal protection. There are numerous calls on a weekly basis. I can't think of an example where officers have had to open fire.



19. See "Training: Bringing the NYPD into the 21st Century." NYPD. <http://www.nyc.gov/html/nypd/html/home/POA/pdf/Training.pdf>



January 12–13, 2016
meeting

Focus group meetings to obtain a range of perspectives: PERF organized two focus group meetings to refine our approach and narrow the issues. First, on December 17, 2015, we convened a group of approximately two dozen police trainers from agencies in the Washington, D.C. area—officers, sergeants, and mid-level managers—to discuss next steps in the process. This group recommended that we develop Guiding Principles that could be used by individual training academies to help develop and update their use-of-force curricula.

Then, on January 12–13, 2016, we held a larger meeting in Washington, D.C. with approximately 90 representatives from a cross-section of police agencies, including the departments that participated in the Scotland field study and outside experts. Again, this meeting included members at all ranks, from police officers to police chiefs. At this meeting, we presented and received feedback on the Guiding Principles and the Critical Decision-Making Model that are detailed in this report.

Conference on the PERF 30 Guiding Principles: Finally, on January 29, 2016, in Washington, D.C., PERF brought together close to 200 police chiefs and other executives, federal agency representatives, mental health experts, academics, and others to discuss a draft of PERF’s 30 Guiding Principles and to review our proposed Critical Decision-Making Model. Many of the comments in this report are from participants in this conference, as well as the earlier meeting in January. (See the Appendix, page 124, for a list of participants at the January 29 conference.)

Key Insights from PERF’s Work

Eighteen months of work on this issue yielded important insights that have come to guide our thinking. To some, these ideas are controversial, while to others, these principles have been in place for some time and are part of the culture of their organizations. On several points, PERF is challenging conventional wisdom and practices that have dominated police thinking for decades.



January 29, 2016 meeting

PERF member police chiefs who have participated in the national and regional conferences described above tell us that adherence to old ways of thinking has contributed to the upheaval taking place in policing today, and that breaking out of these old approaches represents the best path forward for the policing profession, for individual officers, and for the communities they serve.

At the heart of many of these concerns is officer safety, and the fear that any changes to current use-of-force practices could put officers in danger. Concern for officer safety is understandable. Tragically, since 2000, an average of approximately 55 police officers have been shot and killed each year in the United States.²⁰ But our research has led us to an alternative conclusion: that changing how agencies approach certain types of critical incidents can *increase officer safety* in those situations.

Rather than unnecessarily pushing officers into harm's way in some circumstances, there may be opportunities to slow those situations down, bring more resources to the scene, and utilize sound decision-making that is designed to keep officers safe, while also protecting the public. Through de-escalation, effective tactics, and appropriate equipment, officers can prevent situations from ever reaching the point where anyone's life is in danger and where officers have little choice but to use deadly force.

Police agencies must continue to develop innovative policies, practices, and training on use of force.

Following are some of the key insights that guide this report:

For decades, individual police agencies have been developing innovative best policies, practices, and training on use-of-force issues. That process must continue—and accelerate.

20. National Law Enforcement Officers Memorial Fund. <http://www.nleomf.org/facts/research-bulletins/>

There are approximately 18,000 law enforcement agencies in the United States, and these agencies have a variety of policies and practices on use of force. For example, more than 40 years ago, the New York City Police Department adopted a prohibition on officers shooting at or from a moving vehicle, unless a person in the vehicle is using or threatening deadly force by means other than the vehicle itself. That NYPD policy, adopted in 1972, resulted in an immediate, sharp reduction in uses of lethal force in New York City. Police shooting incidents declined from nearly 1,000 a year in 1972 to 665 the following year, and have fallen steadily ever since, to fewer than 100 per year today. (See the commentary by John F. Timoney, pages 45–47, for details on the effects of this policy change.)

Many other police agencies have since adopted a similar policy. And yet, many other departments have not adopted such a policy, and continue to give officers much wider discretion to shoot at moving vehicles.

Police agencies also have a wide range of policies and training on use of Electronic Control Weapons (ECWs), such as Tasers. In 2005 and then in 2011, PERF and the U.S. Justice Department’s Office of Community Oriented Policing Services (COPS) released guidelines on the use of ECWs. Police departments nationwide have adopted some or all of those guidelines to varying degrees.

PERF recognizes that police agencies will always have a variety of policies on particular issues with respect to use of force. As best policies and practices emerge, agencies should move quickly to adopt 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*. It is up to individual police agencies to determine how to incorporate the Court’s principles into their own policies and training.

Under *Graham*, police use of force is judged against a standard of “objective reasonableness” under the 4th Amendment ban on “unreasonable searches and seizures.”²¹ Specifically, the court stated:

Determining whether the force used to effect a particular seizure is “reasonable” under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the countervailing governmental interests at stake.... Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application,... its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.... The “reasonableness” of a particular use of

21. *Graham v. Connor*, 490 U.S. 386 (1989). <http://caselaw.findlaw.com/us-supreme-court/490/386.html>

force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

The *Graham* decision offers little guidance, other than the four sentences quoted above, on how police agencies should devise their policies, strategies, tactics, and training regarding the wide range of use-of-force issues. The entire *Graham* decision is less than 10 pages, and nearly all of the opinion is devoted to detailing the facts of what happened in the case, the alternative legal arguments and approaches to considering use-of-force issues that the Supreme Court considered but rejected, and a concurring opinion by three justices.

Thus, the Supreme Court provides broad principles, but leaves it to individual police agencies to determine how to incorporate those principles into their policies and training, in order to teach officers how to perform their duties on a daily basis. As a number of police chiefs have noted, the legal precedent tells officers what they *can* do. But 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?’ ... And the decisions *leading up to* the moment when you fired a shot ultimately determine whether you had to or not.”²²

Most police uses of deadly force involve officers who are faced with a gun threat. There is seldom disagreement about police actions in those cases.

And in practice, officers’ uses of deadly force almost never result in criminal charges against the officer, even in incidents where the circumstances and threats are less clear, and in incidents that provoke consternation among the general public. Prosecutors and judges generally heed the Supreme Court’s language above, recognizing that officers “are often forced to make split-second judgments,” and should not be subjected to “the 20/20 vision of hindsight.”

Graham v. Connor is the common denominator across the United States; all police agencies must have use-of-force policies that meet *Graham’s* standards. Neither PERF nor anyone else (other than the Court itself) can alter that precedent. But many police departments have chosen to go beyond the bare requirements of *Graham*. For example, many police agencies have detailed policies and training on issues such as shooting at moving vehicles, rules on pursuits, guidelines on the use of Electronic Control Weapons, and other use-of-force issues, that are not mentioned in or required by *Graham*.

Likewise, many police agencies have policies, practices, and training on issues such as de-escalation and crisis intervention strategies, while others do not. *Graham v. Connor* allows for significant variations in police agencies’ individual policies and practices.

22. Re-Engineering Training on Police Use of Force. (2015). Police Executive Research Forum, pp. 16-17. <http://www.policeforum.org/assets/reengineeringtraining1.pdf>

Over time, the courts' definition of objective reasonableness gradually is refined by new court rulings. For example, a 2016 ruling by the U.S. Court of Appeals for the Fourth Circuit quoted the PERF/COPS Office guidelines on Electronic Control Weapons in ruling that “[i]mmediately tasing a non-criminal, mentally ill individual, who seconds before had been conversational,” was not objectively reasonable.²³ (See sidebar, “How Professional Policing Standards Can Become Legal Standards,” page 18.)

In the meantime, police agencies are always within their authority to adopt new policies, training, and tactics that they consider best practices in the policing profession, even if the new policies are not specifically required by court precedents. By adopting policies that go beyond the minimum requirements of *Graham*, agencies can help prevent officers from being placed in situations that endanger themselves or others, where the officers have no choice but to make split-second decisions to use deadly force.

>> continued on page 19

Hampton, VA Police Chief Terry Sult:

*The Policing Profession Defines
What Is Objectively Reasonable*

I think what the Supreme Court did in *Graham v. Connor* was give us an opportunity. What we have failed to realize is that they have given us the objective reasonable officer standard.

Who defines what the reasonable officer standard is? We do, through policy, equipment, training, and the teachings we do. If we don't refine and evolve what the reasonable officer standard is through these initiatives that we are talking about here today, the courts are going to do it for us. And I do think that we've got the opportunity to make that definition, and we're doing it here today. So I don't think there's a conflict between what the Court is doing and what we're doing here today.



Truckee, CA Police Chief Adam McGill:

*We Have an Opportunity to Raise the Bar
And Protect Our Officers and Communities*

I believe that we can do better and rise to a higher standard with policy and training that keep our officers safer, and keep our communities safer too. Our role and our responsibilities as chiefs are larger than the minimum legal standard. Policing never remains the same; we are always striving to advance and improve on what we do. I see our current situation as an opportunity to raise the bar, while honoring the incredible work performed every day by our officers.



23. *Armstrong v. the Village of Pinehurst*, No. 15-1191. January 11, 2016. <http://www.ca4.uscourts.gov/Opinions/Published/151191.P.pdf>

How Professional Policing Standards Can Become Legal Standards

A 2016 decision by the federal appeals court in Richmond, VA demonstrates how the policing profession can adopt policies and practices that are more detailed and stricter than what is required by existing case law—and how those professional standards sometimes become incorporated into new legal standards.

The case, *Armstrong v. the Village of Pinehurst et al.*, handed down on January 11, 2016, involved the use of an Electronic Control Weapon (ECW) by police in Pinehurst, NC against a mentally ill man who was resisting being taken to a hospital.²⁴ The man, Ronald H. Armstrong, had diagnoses of bipolar disorder and paranoid schizophrenia and had stopped taking his medication. Armstrong wrapped himself around a signpost and refused to be transported for medical attention.

Police responded and used an ECW in “drive-stun” mode against Armstrong five times over a period of approximately two minutes. (In drive-stun mode, the ECW is applied directly to the subject, typically in an attempt to gain compliance through the administration of pain.) Armstrong became unresponsive and died shortly after being taken to a hospital.

Court Decision Cites PERF/COPS Office Guidelines

The U.S. Court of Appeals for the Fourth Circuit found that the officers “used unconstitutionally excessive force” against Armstrong, based in part on its analysis of the facts under the Supreme Court’s 1989 precedent, *Graham v. Connor*.

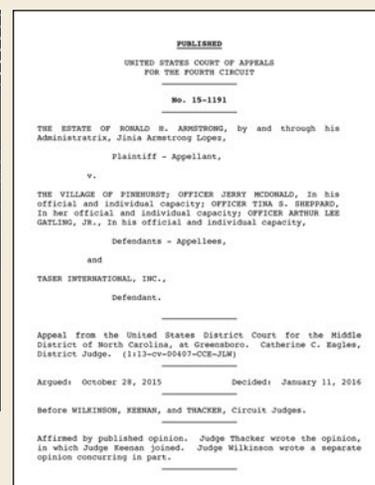
The Court also based its decision in part on the fact that the Pinehurst officers’ actions went against guidance provided in 2011 by the Police Executive Research Forum and the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS).²⁵ The Fourth Circuit court quoted the PERF/COPS Office guidelines, noting that they caution that using the drive-stun mode “to achieve pain compliance may have limited effectiveness and, when used repeatedly, may even exacerbate the situation.”²⁶

Use of an ECW Was Not a “Proportionate Response”

Thus, the Fourth Circuit said, “The taser use at issue in this case ... contravenes [the] current industry ... recommendations” provided by PERF and the COPS Office.²⁷ The Fourth Circuit concluded that, “Immediately tasing a non-criminal, mentally ill individual, who seconds before had been conversational, was not a proportional response.”²⁸

The Court granted the officers qualified immunity in the case, because the use of ECWs was “an evolving field of law” at the time of the incident, so the officers could not have been expected to know that their actions would be found unconstitutional. (The Armstrong incident occurred in April 2011, only one month after the PERF/COPS Office guidelines were released.)

At the same time, the Court warned that going forward, “While qualified immunity shields the officers in this case from liability, law enforcement officers *should now be on notice* that such taser use violates the Fourth Amendment.”²⁹ In response, several agencies in jurisdictions covered by the Fourth Circuit ruling amended their use-of-force and ECW policies to reflect the ruling and the PERF/COPS Office guidelines.



24. For a summary of the case, see “4th Circuit rules use of Taser can be unconstitutionally excessive force.” ABA Journal, Jan. 26, 2016. http://www.abajournal.com/news/article/4th_circuit_rules_use_of_taser_can_be_unconstitutionally_excessive_force/

25. 2011 Electronic Control Weapon Guidelines. PERF and the COPS Office, 2011. http://www.policeforum.org/assets/docs/Free_Online_Documents/Use_of_Force/electronic%20control%20weapon%20guidelines%202011.pdf

26. *Armstrong v. the Village of Pinehurst*, No. 15-1191. January 11, 2016. <http://www.ca4.uscourts.gov/Opinions/Published/151191.P.pdf> Page 21.

27. *Ibid.*

28. *Ibid.*, page 19.

29. *Ibid.*, page 39, emphasis added.

Old ways of thinking continue to permeate police training, tactics, and culture.

In our research, PERF repeatedly encountered examples of outdated concepts that are pervasive in police training and police culture. In some instances, we heard officials say that the concepts described below were no longer taught or practiced, only to find that they continue to be publicly cited in the defense of controversial uses of force.

- **Use-of-force continuums:** Some agencies still rely on rigid, mechanical, escalating continuums of force, in which levels of resistance from a subject are matched with specific police tactics and weapons. While the models themselves have become more complicated over time, continuums suggest that an officer, when considering a situation that may require use of force, should think, “If presented with weapon A, respond with weapon B. And if a particular response is ineffective, move up to the next higher response on the continuum.”

This pattern is often seen in news stories about officer-involved shootings. For example, following an officer-involved shooting, police often explain that officers attempted to use bean-bag projectiles or Electronic Control Weapons. When those tools were not effective, they used firearms.³⁰

PERF’s field studies at the NYPD Emergency Service Unit, Police Scotland, and the Police Service of Northern Ireland revealed that there are more effective ways to respond to many threats than through a use-of-force continuum. In all three organizations, officers are trained to evaluate the totality of the situation—for example, to look beyond the mere fact that a suspect has a knife and to assess the actual threat posed by the knife.

Such an evaluation involves asking questions such as: Does the subject appear to have a mental illness? Is the subject threatening anyone other than himself? Is the subject using the knife in an aggressive, offensive manner (striking out and moving toward the officer or others) or a defensive manner (holding the knife close to himself, and brandishing it only if the officer tries to get close to the person)?

Depending on their assessment of the threat, officers are expected to make decisions based on the range of options available to them. For example, if the person appears to be mentally ill, possibly suicidal, and acting defensively, not offensively, officers may call in additional personnel and resources in order to contain the person safely while trying to talk to him, ask him questions about what is going on in his mind, and buy time in order to give

30. See, for example, “How effective are Tasers? Experts weigh in after Officer Lisa Mearkle tases, then shoots man.” Penn Live, March 25, 2015. http://www.pennlive.com/midstate/index.ssf/2015/03/how_effective_are_tasers_exper.html

See also “Shoplifting suspect killed in officer-involved shooting identified as Folsom man.” The Sacramento Bee, February 2, 2016. <http://www.sacbee.com/news/local/crime/article58084653.html> and

“Family calls for independent inquiry of police shooting that killed man with broomstick.” The Miami Herald, February 18, 2015. <http://www.miamiherald.com/news/local/community/miami-dade/miami-gardens/article10637288.html>

the person many opportunities, over an extended period of time if necessary, to calm down, talk to the officers, build trust and rapport, and ultimately to drop the knife.

In short, assessing a situation and considering options as circumstances change is not a steady march to higher levels of force if lower force options prove ineffective. Rather, it entails finding the most effective and safest response that is proportional to the threat. Continued reliance on rigid use-of-force continuums does not support this type of thinking.

- **The “21-foot rule”:** In 1983, a firearms instructor with the Salt Lake City Police Department conducted a rudimentary series of tests that purported to show that an adult male, armed with a knife and charging at full speed, could cover 21 feet before a police officer has time to draw, aim, and shoot a firearm. In 1988, Calibre Press, Inc., featured the tests in a police training video, and many police agencies and officers have embraced the “21-foot rule” ever since.

Some have argued that the original study was merely intended to warn officers about maintaining a “safety zone” between themselves and offenders with edged weapons. But over time, police chiefs have said that this “safety zone” concept was corrupted, and in some cases has come to be thought of as a “kill zone”—leading some officers to believe they are automatically justified in shooting anyone with a knife who gets within 21 feet of the officer.

Although some have claimed that few officers today are formally trained in the “21-foot rule,” many police chiefs have said that the 21-foot-rule continues to be disseminated informally. PERF’s research into recent incidents revealed examples of the “rule” being cited by officers or their attorneys to justify shootings of suspects with edged weapons.³¹

“When I first came on, we would always use the 21-foot rule. If they’re within 21 feet, they can be on top of you and stabbing you before you react to that. But now I think they’re trying to extend that distance out even further, because I think there is documentation now that someone armed with a knife can literally run up on someone before you’re able to react to that, or already being stabbed.”

— *San Diego Police Officer Neal Browder, in a statement to investigators about shooting Fridoon Rawshan Nehad in April 2015, indicating that the 21-foot rule continues to influence some officers’ thinking and behavior*³²



31. See, for example, the statement that San Diego Police Officer Neal Browder made to investigators citing the 21-foot rule following his fatal shooting in April 2015 of a man he believed to be armed with a knife. Letter from San Diego County District Attorney Bonnie M. Dumanis to San Diego Police Chief Shelley Zimmerman, November 9, 2015. <http://www.voiceofsandiego.org/wp-content/uploads/2015/11/Midway-OIS-Letter-FINAL-11-9-15.pdf> (pp. 5–6).

See also the comments of attorney Dan Herbert who is representing Chicago Police Officer Jason Van Dyke, who is charged with murder in the October 2014 shooting death of Laquan McDonald. “Laquan McDonald Video: When Will It Be Released?” CBS Chicago, November 20, 2015. <http://chicago.cbslocal.com/2015/11/20/laquan-mcdonald-video-when-will-it-be-released/>.

32. <http://www.voiceofsandiego.org/wp-content/uploads/2015/11/Midway-OIS-Letter-FINAL-11-9-15.pdf>

- **“We need to draw a line in the sand. We can’t wait around forever.”**

These expressions are sometimes heard in policing following a controversial officer-involved shooting. For example, in December 2015, after several San Francisco police officers shot and killed Mario Woods, an apparently mentally unstable man armed with a knife, a spokesman for the California Commission on Peace Officers Standards and Training was quoted as saying, “How long are they supposed to walk along the sidewalk with the suspect? At some point you have to draw a line in the sand.”³³ Police training and culture for decades have emphasized that officers need to immediately take control of every situation, to never back up or tactically reposition, and to resolve every matter as quickly as possible.

This rush to action is essential in some circumstances, such as active shooters or other crimes in progress where the public’s safety is in jeopardy. But in many other instances, particularly incidents involving a person with mental illness who may find it difficult to understand and respond to what officers are saying, rushing in, speeding things up, and “drawing a line in the sand” can lead to tragic and unnecessary consequences.

Furthermore, rushing in unnecessarily can endanger the responding officers. If an officer justifiably uses deadly force, under legal standards, that means the officer believed the suspect was posing “*a significant threat of death or serious physical injury* to the officer or others.”³⁴ When officers can keep their distance from a person who is holding a knife or throwing rocks and attempt to defuse the situation through communication and other de-escalation strategies, they can *avoid ever reaching that point* where there is a significant threat of death or serious physical injury to anyone, including themselves.

This type of approach gets to the concept of *proportionality*, which is Guiding Principle #3 in this report, and which lies at the heart of the Critical Decision-Making Model that PERF is introducing. Proportionality considers whether a particular police use of force is proportional to the threat faced by the officers and is appropriate given the totality of the circumstances. Proportionality requires officers to consider if they are using only the level of force necessary to mitigate the threat, and whether there is another, less injurious option available that will safely and effectively achieve the same objective.

Proportionality also requires officers to consider how their actions will be viewed by their own agencies and by the general public, given the circumstances. **This does not mean that officers, at the exact moment they have determined that a use of force is necessary to mitigate a threat, should suddenly stop and consider how the public might react. Rather, it is meant to be one factor that officers should consider long before that moment, and throughout their decision-making on what an appropriate and proportional response would be.**

33. <http://www.sfexaminer.com/shields-for-sfpd-are-not-enough-culture-of-killing-must-change/>

34. See *Tennessee v. Garner*, U.S. Supreme Court (1985). <http://caselaw.findlaw.com/us-supreme-court/471/1.html>

Finally, proportionality does not mean that officers should ever jeopardize their own safety. In some circumstances, such as a gunman threatening officers or the public, deadly force is a proportional response. In other situations, such as a person with mental illness holding a knife at his side, a proportional response could be tactically repositioning (i.e., moving away from the threat and using cover, such as a squad car), bringing in additional resources such as specially trained officers, and initiating communications with the person.

Enhancing Officer Safety and Wellness

Protecting police officers from physical and emotional harm is at the heart of PERF's work on use of force and other issues.

Last year, for example, PERF worked with the U.S. Justice Department's Office of Community Oriented Policing Services (COPS) and national police labor organizations to issue a joint recommendation for mandatory-wear policies for body armor and seat belts.³⁵ Over the last two decades, traffic-related incidents have been the leading cause of death of America's police officers, with shootings the second most common cause of death.³⁶ By addressing concerns about officer benefits and specifying that mandatory-wear policies should not allow for denial of death or disability benefits to officers or their families if officers failed to use the protective equipment, PERF and the labor organizations reached an agreement that will ultimately save officers' lives.

Similarly, the use-of-force recommendations presented in this report are designed to keep officers out of harm's way in many instances. This is accomplished by providing new approaches and new tools for handling certain critical incidents in which there are alternatives to rushing in and acting immediately. Teaching officers to "slow down" some situations can help them avoid reaching a point where they or members of the public become endangered and officers have no choice but to use deadly force. Slowing a situation down often allows more time to bring supervisors and additional personnel, additional equipment such as personal protective shields, and other resources to the scene, and to develop a coordinated response plan, all of which promote officer safety.

At the same time, nothing in our recommendations suggests that officers should back down from dangerous situations, such as active shooters or other serious crimes in progress, where an immediate and forceful police response is necessary. Nor should officers ever hesitate to use force to protect themselves or members of the public when deadly force is being used against them. These are not the types of situations at issue in this report. Rather, this report is about the incidents where officers do have time to assess the threat and develop a response that best protects everyone, including themselves.

>> *continued on page 25*

35. See *Labor and Management Roundtable Discussions: Collaborating to Address Key Challenges in Policing*. Police Executive Research Forum and DOJ Office of Community Oriented Policing Services. Pp. 11-19, 47-48. <http://ric-zai-inc.com/Publications/cops-p325-pub.pdf>

36. National Law Enforcement Officers Memorial Fund. <http://www.nleomf.org/facts/research-bulletins/>

Officer Wellness Is Fundamental to Officer Safety and Effectiveness: The San Diego Model

Recognizing that the term “officer safety” encompasses both physical protection as well as psychological and emotional well-being, the San Diego Police Department established a dedicated Wellness Unit for its members in 2011. Sarah Creighton, then a captain with the police department, was tasked with organizing and standing up the unit. PERF asked Assistant Chief Creighton and her colleague, Dr. Daniel Blumberg, to describe the department’s ground-breaking work in creating and running a Wellness Unit for police officers.

By Sarah Creighton and Dr. Daniel Blumberg

Police officer wellness is fundamental to police officer effectiveness. Every discussion about officer safety, police-community relations, police integrity and corruption, and the difficulties faced by law enforcement families should include explicit attention to the psychological and emotional well-being of police officers. However, despite growing attention to this important topic, it remains, in many organizations, shrouded in stigma, because of the mistaken belief that it has, historically, represented weakness.

The San Diego Police Department has a long tradition of providing psychological services to its employees and their families. Additionally, in 2011, the department established a dedicated Wellness Unit. The unit’s vision is to create a culture promoting employee wellness by tending to the whole person—mind, body, and spirit. The San Diego Police Department recognizes all three will be challenged by the nature of our work. What happens at work often interferes with home life, and vice-versa. Offering resources to assist in navigating both worlds serves the officers and the department.

Promoting Honest Discussions about Anger and Fear

One benefit of this wellness culture is that it allows for robust and ongoing discussions about emotions such as anger and fear. Understanding the impact of an officer’s emotions early in a police career encourages personal responsibility in dealing with personal biases. This includes understanding how previous traumas may interfere with a future successful interaction.

It has been said by many, “You cannot give away what you do not possess yourself.” Awareness of emotions and self-management allows officers to recognize the need to take a break from a highly charged call (if they can), or to evaluate and mediate a situation where a peer may need to be pulled away from a highly charged and deteriorating interaction.

Emotional Intelligence Helps to Enhance Officer Safety

The San Diego Police Department believes that, in addition to managing the intra-psychic rigors of the job, competent police officers must possess and demonstrate exceptional interpersonal skills. To develop and reinforce this, the department’s Wellness Unit, in collaboration with police psychologist Dr. Daniel Blumberg, created a two-day course which integrates psychological job dimensions of peace officers with the theory of Emotional Intelligence. The course focuses on the application of techniques to enhance the emotional regulation and competence of officers in their interactions with the public, fellow officers, superiors, and all members of the department. Emphasis is placed on how officer safety increases when these techniques are mastered and applied.

The course provides brief explanations and video examples of the four primary skills of Emotional Intelligence. Each component is followed by modeling by experienced officers, practice, class exercises, and role-playing scenarios. The class also includes unscripted one-on-one interactions with community member volunteers, which allows for shared learning and relationship building.

The training teaches officers to view each interaction from a skill-based model. Each skill builds upon the previous ones, and provides officers with a clear understanding of how *they themselves are fundamentally responsible for making each and every interpersonal interaction more effective*. The class is

provided immediately upon the completion of new officer field training phases. It provides an opportunity to evaluate interactions experienced while in phase training to reinforce and integrate the concepts of the class.

A Progressive Series of Wellness-Focused Training

The two-day training follows a progressive series of wellness-focused training introduced to recruits while they are in the academy. Recruits are introduced to the Wellness Unit staff at their orientation even prior to starting the academy. All help resources, including police psychologists, police chaplains, and the department's peer support program, are immediately available and directly accessible to recruits and their families.

While in the academy, recruits receive four hours of employee wellness training based upon Dr. Kevin Gilmartin's Emotional Survival Model. Following their graduation from the academy, officers attend New Officer and Family Psychological Preparedness Training, where family members are encouraged to attend alongside their loved ones.

The emphasis on proactively tending to wellness is stressed throughout the day. Speakers include officers who have been involved in traumatic incidents, including deadly shootings as well as other personal crises which can threaten a law enforcement career. Detailed accounts from tenured officers about the effectiveness of their coping, both good and bad, are shared in the interest of mentally preparing new officers for a variety of experiences they are likely to encounter through their years of service.

Most new officers tend to focus disproportionately on officer safety from a physical standpoint. The wellness training is intended to encourage officer safety through mental health, resiliency, and self-care. This forum allows for candid discussion about rarely discussed emotional trauma associated with having to take the life of another, or losing a peer in the line of duty or to suicide.

A Culture of Wellness Improves Officer Safety

The San Diego Police Department believes that all training, whether predominately tactical in nature or from the wellness perspective, requires officers to be consciously aware of how the manner in which we treat the public can significantly impact the next officer's encounter. It cannot be stressed enough that *a culture promoting wellness and resilience in officers should precede de-escalation training*. Law enforcement agencies that intend to bring about changes in the way officers approach residents need to equip their officers to be able to examine their own biases, predisposition, and emotions, not just the community member's behavior.

In the end, organizations that maintain a culture of wellness improve officer safety and increase the likelihood of nonviolent police encounters with the community.

Sarah Creighton joined the San Diego Police Department in 1984. Over the years, she rose through the ranks, working in a variety of assignments, including several in area commands. In 2011, then-Captain Creighton was tasked with creating the department's first-ever Wellness Unit, dedicated to helping officers manage their psychological and emotional well-being. In 2014, she was promoted to Assistant Chief. Assistant Chief Creighton holds a master's degree in human behavior.



Dr. Daniel Blumberg is an associate professor of psychology at Alliant International University in San Diego. A licensed clinical psychologist, Dr. Blumberg has over 23 years of experience as a public safety psychologist and has provided all facets of clinical and consulting psychological services to numerous public and private organizations. In addition to his expertise in workplace stress prevention and trauma recovery, Dr. Blumberg is a renowned authority on undercover police operations and the selection, training, and supervision of undercover operatives.



Protecting officers' physical and emotional well-being

A number of police executives who participated in recent PERF conferences emphasized the importance of protecting officers' emotional well-being as well as their physical safety. Police leaders who have themselves used deadly force at some point in their careers said it is not something they ever forget. Even in situations where no one questions an officer's use of deadly force, the officer may experience feelings of anxiety, isolation, and even depression, not only in the immediate aftermath of the incident, but sometimes for the rest of their careers.

Police agencies increasingly recognize the emotional toll that police work in general, and use-of-force incidents specifically, can have on their members. Forward-thinking agencies have created robust employee assistance and wellness programs.

Training and equipping officers in how to manage certain types of situations so that the use of deadly force does not become necessary will reduce the emotional stress on the officers and will promote employee safety and wellness.

What You Will Find in This Report

The remainder of this report includes two main sections:

PERF's 30 Guiding Principles on 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 firearms*. Our Guiding Principles reflect 18 months of research and discussion on the most critical use-of-force issues facing police agencies today.

Hundreds of police professionals at all ranks, as well as mental health officials and other experts, contributed to this project, and their collective ideas and insights are reflected in the final product.

The Guiding Principles are organized into four areas:

- **Policy:** Thirteen of the principles deal with policy, including embracing the sanctity of human life, adopting de-escalation as agency policy, establishing a duty to intervene with officers who may be using excessive force, prohibiting firing at moving vehicles, and documentation and reporting requirements for use-of-force incidents.
- **Training and Tactics:** Eleven of the principles relate to training and tactics in use of force. A major focus here is on de-escalation strategies (especially communications); using distance, cover, and time when appropriate; ensuring a strong supervisory response; and training as teams when possible.

- **Equipment:** Four of the principles pertain to equipment, in particular less-lethal options such as chemical spray and Electronic Control Weapons. PERF also recommends that agencies make greater use of personal protection shields to increase officer safety during de-escalation efforts.
- **Information Exchange:** The last two Guiding Principles involve training for call-takers and dispatchers, who are critical to every police response, and educating family members of people with mental illness on what to report when they call 9-1-1.

Some of the Guiding Principles have been adopted by many police agencies for years or even decades. For example, Guiding Principle #8 provides that shooting at a moving vehicle should be prohibited unless deadly physical force is being used against an officer or another person by means other than the moving vehicle itself. As noted earlier, the *New York City Police Department adopted this policy in 1972*, at a time when NYPD officers were involved in nearly 1,000 shooting incidents a year. Immediately after the policy took effect, those numbers dropped sharply, with a 33-percent reduction in shooting incidents in 1973, and have declined steadily ever since, dropping below 100 officer-involved shootings per year in recent years.³⁷ Importantly, the numbers of NYPD officers injured or killed in the line of duty have also declined significantly since the policy was adopted, with no indication that officer safety was in any way jeopardized by the change in policy.³⁸

Similarly, Principle #6, establishing a duty to intervene when officers see colleagues using excessive force, is similar to policies established in New York in the 1990s, as well as other agencies.

Other Guiding Principles will be new to some agencies, such as the first principle, which encourages departments to adopt policies or mission statements stating that the sanctity of all human life is the cornerstone of policing. Using a critical decision-making model to guide the police response to critical incidents, as Guiding Principle #5 recommends, will also be a new approach for many agencies. In some cases, the concepts may exist informally, but have never been stated explicitly in agency policy.

Other principles build on existing policies in many agencies. For example, Guiding Principle #19 calls for comprehensive crisis intervention training of officers, to help them manage situations involving persons with mental illness or other conditions that cause them to behave erratically. The “Memphis Model” of Crisis Intervention Teams (CIT) dates to the late 1980s, and has been adopted to varying degrees by many police agencies. **However, PERF’s research for this project uncovered a gap in crisis intervention training, namely, that it provides an important focus on officers’ communication skills, but does not provide guidance on how officers should combine communications**

Some of the Guiding Principles have been adopted by many police agencies for years. Others will be new to some agencies.

37. “Annual Firearms Discharge Report 2014.” New York City Police Department, http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/nypd_annual_firearms_discharge_report_2014V3.pdf.

38. Ibid., Figures 40 and 41, page 54. http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/nypd_annual_firearms_discharge_report_2014V3.pdf

with tactics. PERF's Guiding Principle #20 calls for police agencies to interweave mental health education with tactical training.

Taken together, PERF's 30 Guiding Principles represent a new way of approaching many critical incidents for some agencies, and for other agencies, a reaffirmation and strengthening of their current policies. We are calling on agencies to discard outdated concepts, and to consider new approaches that can help defuse some critical incidents in ways that protect officers, the persons they encounter, and the general public.

PERF's Critical Decision-Making Model

As a practical complement to the 30 Guiding Principles, this report also presents a new tool to support decision-making in the field, including during critical incidents.

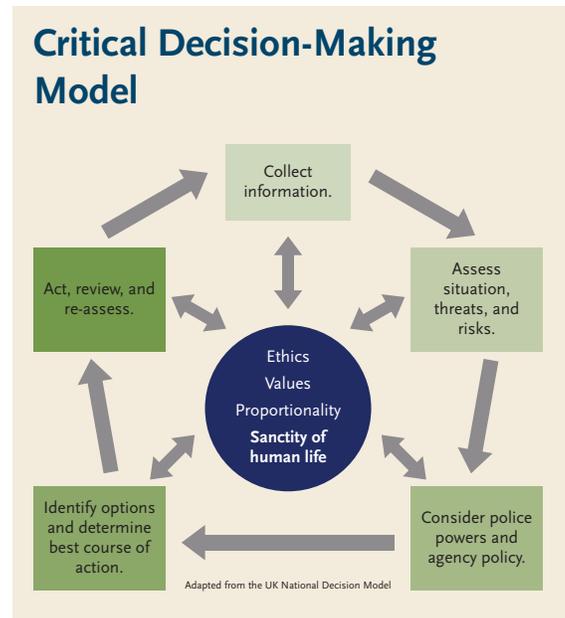
The five-step Critical Decision-Making Model (CDM) is based largely on the National Decision Model that has been used effectively in the UK for several years. PERF's CDM is designed to meet the needs of U.S. police agencies seeking a better way to teach officers how to think critically about various situations and how to make decisions that are more effective and safe.

At PERF's "Re-Engineering Training" conference, Chief Inspector Robert Pell of the Greater Manchester Police in England explained why their Decision Model was created, following a controversial fatal shooting of a man in north London in 2011:

Officers were making poor decisions in critical incidents. In situations where there was a threat, officers were immediately closing the gap and engaging very quickly without any structured thought or process about what they were doing. And the resulting outcomes were messy.... Some were going beyond what was proportionate and engaging in physical violence, leading to them being charged with criminal offenses. Some were sentenced to prison, and we were starting to lose public support. About 45 percent of the public were telling us they didn't have any confidence in us.³⁹

Following the deployment of the Decision Model, the reaction from officers and the community has been positive, Chief Inspector Pell said:

The feedback from officers has been excellent. They tell us it's the best training they have ever had, and they now feel far safer and better equipped when dealing with incidents involving conflict....The reaction of the community has been fantastic. Currently we have a public confidence level of 94 percent.⁴⁰



39. *Re-Engineering Training on Police Use of Force*, Police Executive Research Forum. Page 39. <http://www.policeforum.org/assets/reengineeringtraining1.pdf>

40. *Ibid.*, page 42.

PERF's Critical Decision-Making Model, like the UK version, is designed to train officers how to think more critically about their response to various types of situations. For example, officers responding to a call about a man on the street, apparently with a mental illness and brandishing a knife, would be asking themselves the following types of questions:

- What do I know about the person I'm responding to? Has he been the subject of previous calls to the police? What was the nature of those calls?
- What exactly is happening? How can I communicate with this person to get an idea of what is going on in his mind?
- Is this person presenting a threat to me or anyone else? If so, what is the nature of the threat, and how serious is the threat?
- Do I need to take action immediately?
- If I do not need to take action immediately, are there additional resources that could help resolve this situation? Additional police or crisis intervention personnel? Should I ask a supervisor to respond? Is there special equipment such as less-lethal tools that could be helpful?
- What are my legal authorities and what are my department policies governing this situation?
- What am I trying to achieve? What options are open to me?

Asking and answering these types of questions will help officers determine the most effective and safest actions to take. Even after taking an action, officers continue to ask themselves questions about whether the response had the desired effect and what lessons were learned. If the desired outcome was not achieved, they begin the process again, which is called "spinning the model."

Importantly, the CDM is anchored by the ideals of ethics, values, proportionality, and the sanctity of human life. Everything in the model flows from that principled core.

While the CDM may seem complicated at first glance, officers who have used such a model told us that they quickly became accustomed to using it every day for making decisions about all types of situations, not just incidents that could end with a use of force.

As a result, these officers said, the model becomes second-nature to them. At one of the PERF conferences, Inspector Ron Walsh of the Nassau County, NY Police Department compared using a decision-making model to driving a car—a process that involves dozens of individual decisions and actions minute by minute, but which becomes automatic over time. (See pp. 83–84.)

In Fairfax County, Virginia, the police department has already adopted the Critical Decision-Making Model and embedded it in its training on managing critical incidents.

Adapting the Concepts of Specialized Tactical Units to Patrol

This report proposes some fundamental shifts in the way police think about use of force and in their policies, training, tactics, and equipment. Embracing, implementing, and sustaining these efforts will not be easy or simple.

However, an interesting and hopeful perspective was offered by Houston Executive Assistant Police Chief George Buenik, who was part of the PERF-led delegation to Police Scotland, and who participated in the January 29, 2016 conference and other discussions. As he reflected on the presentations and scenario-based training in Scotland and the PERF proposals, he made this simple observation: “We’re already doing this—it’s called SWAT.”

Chief Buenik pointed out that most of the major principles PERF chiefs and Scottish police executives were discussing—slowing situations down; using distance and cover to officers’ advantage; de-escalation by engaging in communications and negotiations; assessing threats through a structured process; and responding proportionally from a range of options—have been staples of specialized tactical units for years. That is precisely what SWAT officers do. PERF staff members saw that in the field when they visited the NYPD Emergency Service Unit.

The concepts in this report are not foreign to U.S. police agencies. They are part and parcel of what some of our best-trained and most elite officers already do. The challenge ahead lies in how to transfer these principles and approaches to our patrol officers, who are often the first ones on the scene at critical incidents.

Major principles of the PERF 30 have been staples of SWAT for years.

Minneapolis Police Chief Janeé Harteau:

Change Can Come with New Officers

As a society, we’re rather impatient; we expect police to resolve issues quickly. Our success, according to the public, is often tied to rapid response times and not necessarily our outcomes or quality of service. But if we give officers permission to slow down in how they resolve these situations, that’s certainly going to help their mindsets in making tactical decisions more in line with the concept of cover plus distance equals time.

Like others in the room, I’m getting some pushback from my union on the concept of de-escalation and reevaluating the 21-foot rule, but this is about the safety of our officers as well. We’re going to have that resistance, because how do we undo the training drilled into people and the mindset they have had for 20 or 30 years? It’s going to be tough.

But this point in time is also an opportunity because many of us are hiring. I would say that in the next five years, the Minneapolis Police Department is almost going to have a complete turnover from five years ago. So our opportunity is with the new officers who are coming in. We need to instill these concepts of slowing down, and control doesn’t mean an immediate resolution. I totally believe that if we do this collectively, that’s where we have power. It’s an opportunity, but it’s going to be a challenge.



Implementing this new approach will involve changing police culture as well as policies, tactics, training, and equipment. It will mean the following:

- Telling our police officers that sometimes it's best to tactically reposition themselves in order to isolate and contain a person, and not to "draw a line in the sand."
- That it's often preferable to take as much time as needed to safely resolve an incident, and not feel compelled to force a quick (and potentially dangerous) resolution, in order to get back on the radio and race to the next call.
- That engaging a subject in calm and constructive conversation and asking open-ended questions are usually more productive than barking the same commands again and again, and that it's usually best if one officer is designated to communicate with a mentally ill person.
- That intervening with a fellow officer who seems on the verge of using excessive force is best for everyone involved.
- And it means matching performance evaluation systems and officer rewards with the actual goals of the department. If officers are told that it is often preferable to slow a situation down, they should not be evaluated solely according to how many calls for service they handle and how quickly. Officers traditionally receive awards for accomplishments such as taking a violent armed criminal off the street. Moving forward, officers should *also* be recognized for efforts such as talking a suicidal person into safety and life-altering mental health care. The Los Angeles Police Department, for example, recently created a Preservation of Life Medal to acknowledge officers who save lives by showing restraint and finding safe alternatives to the use of deadly force.⁴¹

The PERF 30 Guiding Principles and the Critical Decision-Making Model detailed in this report are intended to take policing to a higher standard of performance and service, and to make policing safer for everyone. They provide a blueprint for agencies looking to make the operational and cultural changes that are needed.

In the short term, these recommended changes will help our police officers do their jobs more effectively and safely, resulting in fewer injuries and fatalities to themselves and members the public. And for the long term, they will help rebuild the bridges of trust between police and the residents they serve. That can only enhance officer safety and community safety as well.

41. See Los Angeles Times editorial, "LAPD's award-winning idea on use of force." November 11, 2015. <http://www.latimes.com/opinion/editorials/la-ed-use-of-force-20151111-story.html>

Camden's Ethical Protector Program Is Similar to the PERF 30

By Camden County, NJ Police Chief J. Scott Thomson

For almost two years, American police chiefs have been looking closely at their use-of-force policies and training, with the goal of de-escalating certain kinds of incidents.

Our focus is not on situations where you have a criminal offender brandishing a gun. Rather, we have been talking about police encounters with people who are more in the nature of “troubled souls”: people with a mental illness or disability, drug addiction, or any condition that affects their ability to behave with some semblance of rationality. We’ve been asking ourselves, “What can we do differently to resolve these situations with less harm to both the suspects and the officers?”

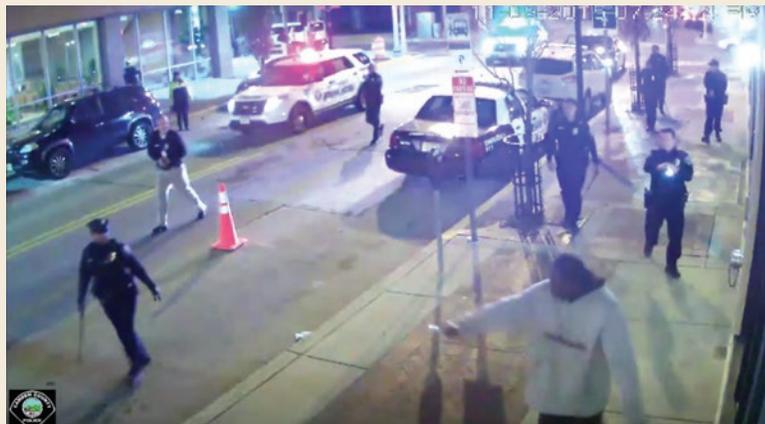
And so we have been talking about the “21-foot rule,” use-of-force continuums, legal standards, and what we can learn from police agencies with best practices in the United States and our brethren from the United Kingdom.

As PERF President, I have been involved in all of these meetings and discussions with my fellow police chiefs here and abroad. And as Chief of Police in Camden, NJ—a city with extraordinary challenges of poverty and crime—I have discussed these issues with my officers and my community members as well.

It is important to point out that what we are proposing in the “PERF 30” is not entirely new or unfamiliar to our profession. As President Harry Truman once said, “The only thing new under the sun is the history you don’t know.” In many ways, this is about giving front-line officers the training we already give to specialized units such as ESU and SWAT: enhanced communication skills, tactical repositioning, techniques and equipment that enable and enhance distance, cover, and time. That’s clearly the bridge that needs to be built over the gap.

My officers in Camden recently demonstrated how to implement elements of the PERF 30

In November 2015, Camden County police officers responded to a man on the street with a knife. The whole incident was captured on camera.⁴² Our Camden officers didn’t rush toward this man or



rigidly put themselves in a position where they had to use deadly force. Instead, they maintained flexibility to reposition themselves throughout the entire incident, until they were eventually able to safely arrest him when he dropped the knife. No shots were fired, and no one was injured. We enveloped him with officers, we protected the public, and we were willing to walk with him as far as he wanted to walk that night.

>> continued on page 32

42. “Broadway & Mickle man with a knife incident.” Camden County Police You Tube channel. <https://www.youtube.com/watch?v=YtVUMT9P8iw>

A critical self-review of the video found some mistakes were made. We are using those as examples to build upon in future training sessions as we continue to learn from ourselves and others. But most importantly, the lessons learned were not written in the blood of either the suspect or the officers.

Fundamentally, we created and utilized opportunities to slow things down and not escalate the situation. Clearly this individual was disturbed, and clearly he had the ability to inflict serious harm or death.

Most remarkable was that these first responders were an eclectic group of officers, whose experience ranged from three weeks to nearly 30 years on the job. A year ago, this likely would have been a “lawful but awful” incident. The absence of enhanced training would have undoubtedly led to an inflexible situation wherein deadly force would have essentially been the most immediate viable option. A life would have been lost, and several lives unnecessarily altered.

The Ethical Protector program—Changing the culture of policing

But about a year ago, we re-evaluated what we do and how we wanted to do it. We developed what we call an Ethical Protector program.⁴³ This is about changing the culture of policing. We knew that to get there, it had to be more than just a traditional training session for officers. So we identified about 20 referent leaders within the organization who, regardless of rank, were the individuals people trust, who they listen to, the people who seem to have influence in a locker room or squad room.

We brought those folks in and we made them our mentors in this process. We invested 86 hours of training in them, on what we want this organization to do. Then we had every officer go through the Ethical Protector training, whose bedrock is PERF’s Guiding Principle #1, the sanctity of human life. This was written into our department’s use-of-force policy, and the mentors presented this in a way that wasn’t just in a classroom, but something that would be reinforced every day at roll call and out on the streets in how officers engage in situations.

The incident of the man on the street with a knife was a case in point of what we are trying to accomplish. So we recognized this and similar types of de-escalation at our quarterly awards ceremony. We are positively rewarding and reinforcing the behavior and holding these officers up as examples of what we want within the organization.

John Scott Thomson was sworn in as chief of the Camden County, NJ Police Department on May 1, 2013. Prior to that, he had served as chief of the former Camden Police Department since 2008. Chief Thomson began his law enforcement career in 1992 and ascended through the ranks of the Camden Police Department. During his career he has served on the New Jersey Supreme Court Special Committee on Discovery in Criminal and Quasi-Criminal Matters, and on the New Jersey Attorney General’s Committees for Officer Involved Shooting Responses, Conducted Energy Devices, and Body Worn Cameras.

Chief Thomson holds a B.A. in Sociology from Rutgers University and an M.A. in Education from Seton Hall University. Chief Thomson is the President of the Police Executive Research Forum, and in 2011 received PERF’s Gary P. Hayes Memorial Award for innovation and leadership in policing.

43. “Armed with respect and compassion, Camden cops making transition to ‘ethical protectors’.” Newsworks, August 13, 2015. <http://www.newsworks.org/index.php/local/new-jersey/85190-armed-with-respect-and-compassion-camden-cops-making-transition-to-ethical-protectors-photos>

PERF's 30 Guiding Principles On Use of Force

THIS CHAPTER PRESENTS 30 GUIDING PRINCIPLES FOR POLICIES, training and tactics, equipment, and information issues with respect to police use of force. These Guiding Principles are the result of 18 months of research, field work, and discussions by hundreds of police professionals at all ranks.

These Guiding Principles are particularly relevant to situations that involve subjects who are unarmed or are armed with weapons *other than firearms*. The Guiding Principles also are relevant to police encounters with persons who have a mental illness, a developmental disability, a mental condition such as autism, a drug addiction, or another condition that can cause them to behave erratically and potentially dangerously.

There will always be situations where police officers will need to use force, including deadly force, to protect the public or themselves. Nothing in these Guiding Principles should be interpreted as suggesting that police officers should hesitate to use force that is necessary to mitigate a threat to the safety of themselves or others.

The policies, training, tactics, and recommendations for equipment and information exchange that are detailed in this chapter amount to significant changes in a police agency's operations and culture. It is important that these changes be undertaken in a comprehensive manner, and not in a piecemeal or haphazard way. Policy and tactical changes must be backed up with thorough retraining and equipping of all of an agency's members. **We caution against announcing and implementing changes on this scale before all of the relevant policies, training, tactics, and equipment are in place. Simply issuing a new directive without the training, tactics, and equipment to back up the policy change would be ineffective and counterproductive.**

Guiding Principles: Policy

POLICY

1 **The sanctity of human life should be at the heart of everything an agency does.**

Agency mission statements, policies, and training curricula should emphasize the sanctity of all human life—the general public, police officers, and criminal suspects—and the importance of treating all persons with dignity and respect.

Examples

Following are some agencies that currently stress the sanctity of human life in their mission and policy statements:

- **Las Vegas Metropolitan Police Department**⁴⁴ — “It is the policy of this department that officers hold the highest regard for the dignity and liberty of all persons, and place minimal reliance upon the use of force. The department respects the value of every human life and that the application of deadly force is a measure to be employed in the most extreme circumstances.”
- **Philadelphia Police Department**⁴⁵ — “It is the policy of the Philadelphia Police Department, that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. The application of deadly force is a measure to be employed only in the most **extreme circumstances** and all lesser means of force have failed or could not be reasonably employed.”

Montgomery County, MD Police Chief Tom Manger:

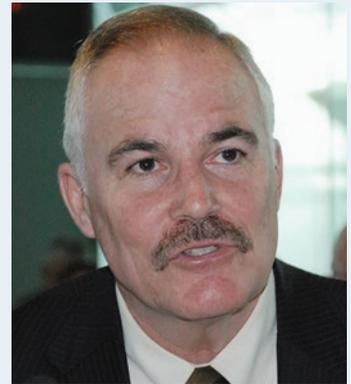
*Officer Safety Is Very Important,
And So Is Everyone Else’s Safety*

Wexler: Tom, what was your takeaway from the Scotland trip?

Chief Manger: It made me realize a couple of things. One was that our use-of-force training, our defensive tactics training, are so wrapped around one issue—the fear of the gun, and the gun culture we have in the United States—that it permeates everything we do in terms of training.

It also made me realize that there are some cultural issues in American policing that we may need to rethink. All of us have heard a sergeant tell us in roll call, “The most important thing is that you go home safe today.” And when you hear that over and over again, it almost gets to the point where we are thinking that our safety is more important than anything else, or that other people’s safety is not as important as ours.

In Scotland, the culture is that the police officer’s safety is in fact very important, but it’s no more important than the safety of everybody else



44. http://www.lvmpd.com/Portals/0/OIO/LVMPD_Collab_Reform_Final_Report_v6-final.pdf

45. <https://www.phillypolice.com/assets/directives/PPD-Directive-10.1.pdf>

Chief Tom Manger continued

among the public. They have this notion of the sanctity of life, which is something that we are talking about more than we did 20 or 30 years ago. I think we've got to emphasize to our cops that their safety is important, but so is the safety of the public and the people that they're dealing with, and our goal should be that everybody goes home safely at the end of the day.

Houston Executive Assistant Police Chief George Buenik:

SWAT Captain: "We're Not Going To Kill this Person"

Wexler: George, when we were in Scotland, you turned to me and said, "We're already doing this with our SWAT team in Houston." By the way, tell everyone what your Captain says when he gets to the scene...

Chief Buenik: When our SWAT captain gets to the scene and meets with all the team members, one of the things he says, especially when it's someone who is threatening to harm himself, is "We're not going to kill this person. We're not going to kill this person. We're not going to kill this person." It's probably the first time we've had a SWAT captain go out there, with all the equipment, all the guns, all the high-powered tools, and say we're not going to kill somebody. It gets to the sanctity of life.



POLICY

2 Agencies should continue to develop best policies, practices, and training on use-of-force issues that go beyond the minimum requirements of *Graham v. Connor*.

Discussion

The U.S. Supreme Court's landmark 1989 decision, *Graham v. Connor*, holds that police use of force is to be judged against a standard of "objective reasonableness" under the 4th Amendment ban on "unreasonable searches and seizures."⁴⁶ Specifically, the Court stated:

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

46. *Graham v. Connor*, 490 U.S. 386 (1989). <http://caselaw.findlaw.com/us-supreme-court/490/386.html>

In *Graham v. Connor*, the Supreme Court outlines broad principles on how police use of force is to be considered and judged. But the Court leaves it to individual police agencies to determine how best to incorporate those principles into their own policies and training, in order to direct officers on how to perform their duties on a daily basis.

Graham v. Connor is the common denominator across the United States, and all police agencies must have use-of-force policies that meet *Graham's* standards. **But many police departments have chosen to go beyond the bare requirements of *Graham*, by adopting more detailed policies and training on issues such as shooting at moving vehicles, rules on pursuits, guidelines on the use of Electronic Control Weapons, and other use-of-force issues, that are not mentioned in or required by *Graham*.**

Similarly, many police agencies have policies, practices, and training on issues such as de-escalation and crisis intervention strategies, while others do not. *Graham v. Connor* allows for significant variations in police agencies' individual policies and practices.

This guiding principle does not suggest that agencies should somehow disregard *Graham v. Connor*; that would be impossible. Rather, it encourages agencies to build on the legal foundation established by the Supreme Court and implement best policies, practices, and training that provide more concrete guidance to officers on how to carry out the legal standard.

In this report, PERF recommends a number of policies that, while not currently required by the Supreme Court's standard, should be considered nonetheless, in the view of leading PERF chiefs. Many of these policies have already been adopted in some departments, including a *duty to intervene* if officers witness colleagues using excessive or unnecessary force; requiring officers to *render first aid* to subjects who have been injured as a result of police actions; prohibiting use of deadly force against persons who pose a *danger only to themselves*; and specific limits on *shooting at vehicles*. **By adopting these and other policies, departments can take steps that help prevent officers from being placed in situations where they have no choice but to make split-second decisions that may result in injuries or death to themselves or others.**

Principal Deputy Assistant Attorney General Vanita Gupta:

*There Is a Mismatch Between Legal Requirements
And What the Community Expects*

I think it's revolutionary and transformative to be talking about going beyond current understanding of what is "objectively reasonable" per *Graham v. Connor*. There is a real mismatch between what community standards are, what the community expects, and what they think the law should be, as opposed to what the law allows for.

At the Civil Rights Division, we have criminal prosecution authority as well as civil "pattern or practice" authority. We know that the public truly doesn't understand what the floor is vis-a-vis *Graham v. Connor*. What PERF is putting out there is changing the paradigm about different expectations for police officers, different ways to rebuild trust, different ways to go above



Vanita Gupta continued

what the Supreme Court jurisprudence requires, that ultimately may be much better for officer safety, much better for public safety, and much better for the kind of mutual understanding between the community and law enforcement.

I think there is a setting of standards within the profession, and that the courts eventually will catch on. Or the definition of what is objectively reasonable will begin to change over time, because of the work that the profession is doing on these issues. It's not going to happen overnight, but I think that what is happening right now in the country, in meetings like this, is in fact changing some of the terms of what is reasonable.

But it can't be up to police departments alone to do that work. Courts will be wrestling with these same questions as well. Across the country, people are watching these videos and feeling that a police shooting may be legal but it's wrong, or at least it doesn't feel right. The profession is setting different standards that ultimately may change the way that the 4th Amendment is understood.

Milwaukee Police Chief Ed Flynn:

*We Must Start Holding Officers Accountable
For Creating Jeopardy that Ends in Deadly Force*

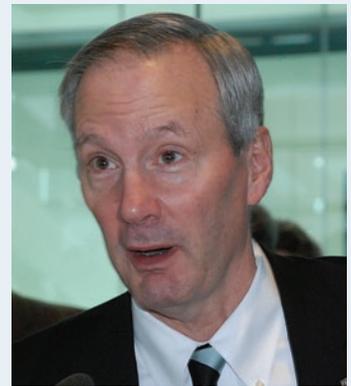
Chief Flynn discussed his handling of Officer Christopher Manney's fatal shooting of Dontre Hamilton, a man suffering from mental illness who was sleeping in a park.⁴⁷ The incident occurred on April 30, 2014.

In this incident, the officer confronted a mentally ill man in a public space, and in the course of the confrontation was disarmed of his nightstick and was assaulted with it, at which time he drew his weapon and shot the man 13 times, killing him.

Within the confines of that use of deadly force and in the context of that physical encounter, it was clear to me immediately that the officer had no options at that point, and ultimately that's what the District Attorney and the U.S. Attorney would rule. But there was a great deal of community consternation about this case. What troubled me about it was that before he confronted this individual, two of our officers had been dispatched, unbeknownst to this officer, on a separate channel. They had handled the encounter peacefully and left the scene without any police action.

What I couldn't quite understand is how that had come to be. Either this fellow was a menace that needed to be confronted, and the situation ended up with a use of deadly force, or he was someone who could have been negotiated with to a peaceful resolution.

The more our Internal Affairs people looked into the case, it became clear that the first two officers used their crisis intervention training to



47. "Complete Statement: Police Chief Ed Flynn addresses firing of officer in Hamilton case." Fox 6 News, October 15, 2014. <http://fox6now.com/2014/10/15/statement-milwaukee-police-chief-ed-flynn-addresses-firing-of-officer-in-hamilton-case/>

Chief Ed Flynn continued

deal with a mentally ill man in a public space who was not engaging in any obnoxious behavior. He wasn't begging, he wasn't harassing people, he was not doing anything wrong except acting somewhat bizarrely.

The other officer, upon his arrival and according to his own reports, encountered this individual lying down and immediately got him to his feet and started patting him down for weapons, at which point the fight was on, and it ended up with a deadly consequence.

I didn't wait for the DA's ruling, which took nine months. Our Internal Affairs investigation was pretty straightforward. **At the time the officer used deadly force, he was within his rights; lawfully he had no options. But his bad decision-making put him in an impossible position. He didn't use his homeless outreach training, he didn't use his crisis intervention training. He sized up the individual quickly as mentally ill, he said he was obviously mentally ill and in crisis, so he patted him down for weapons. That's absolutely opposite of everything we're trained to do. So I made a decision to fire him and announced it at a press conference.**

For me it was a moment of clarity, thinking about it differently. Historically we just look at the use of deadly force. Did the cop have a right? Was his life in danger? OK then.

We need to back that evaluation up, because I truly believe that until we as a profession start holding people accountable in a discipline system for the decisions that *lead up to* that use of deadly force, the public's outcry is always going to be for a criminal justice solution to poor police decision-making. This was a case of "officer-created jeopardy."

POLICY

3 **Police use of force must meet the test of *proportionality*.**

In assessing whether a response is proportional to the threat being faced, officers should consider the following:

- Am I using only the level of force necessary to mitigate the threat and safely achieve a lawful objective?
- Is there another, less injurious option available that will allow me to achieve the same objective as effectively and safely?
- Will my actions be viewed as appropriate—by my agency and by the general public—given the severity of the threat and totality of the circumstances?

Discussion

How members of the public will react to an officer's use of force is one part of the equation on proportionality. **However, this consideration should be approached from a broad perspective and should take place *before* an officer reaches the instant where a use of force may be necessary.**

The concept of proportionality does not mean that officers, at the very moment they have determined that a particular use of force is necessary and appropriate to mitigate a threat, should stop and consider how their actions will be viewed by others. Rather, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond.

Officers already make these types of judgments all the time. For example, officers would not respond to a noise complaint at a pool party with their firearms drawn, because members of the public would view that as excessive and inappropriate. However, officers might respond with their firearms drawn if there was a report of shots fired at a pool party. In that case, the public would view their actions as appropriate and necessary.

Proportionality also considers the nature and severity of the underlying events. There are some incidents that are minor in nature, but for whatever reason, the mere presence of police officers may escalate the situation. Under the concept of proportionality, officers would recognize that even though they might be legally justified in using force as the situation escalates, given the minor nature of the underlying event, a more appropriate and proportional response would be to step back and work toward de-escalation.

The assessment of how the public will likely view police actions is not meant to be a “check-the-box” step taken immediately before an officer uses force. Rather, it is meant to be one factor that officers should consider throughout their decision-making on what a proportional response would be to the situation they face and the totality of the circumstances confronting them.

Washington, DC Metropolitan Police Chief Cathy Lanier:

Here's What Proportionality Means to Me

In the training of our officers and our policy, we have to be able to give officers options. For example, in a traffic stop that starts to go really wrong, like the Sandra Bland case,⁴⁸ once you get into that confrontation to enforce an arrest, when things are that excited, the chances for things to go wrong in that arrest scenario are pretty high.

So we need to teach officers that it's OK in a scenario like that to step back. You've got the person's information, you have the driver's license, you have the tag number, so you can get a warrant and make an arrest later. There's no reason to rush into that heightened environment and make an arrest and pull someone from a car. If the situation is tense, and there's no immediate threat to the public, step back, get the warrant, and go make that arrest later when there's not so much tension.



48. “A trooper arrested Sandra Bland after she refused to put out a cigarette. Was it legal?” Washington Post, July 22, 2015. <https://www.washingtonpost.com/news/morning-mix/wp/2015/07/22/a-trooper-arrested-sandra-bland-after-she-refused-to-put-out-a-cigarette-was-it-legal/>

Noble Wray, Chief, COPS Office
Policing Practices and Accountability Initiative:

The First 3 Principles Are Questions of Humanity

As I look at the 30 Principles, I see that the first three, on the sanctity of life, professional standards, and proportionality, are issues of the heart, and where we are as a profession in terms of what we think about humanity. We need to start thinking more in our profession about practical wisdom. How do we develop our people to make decisions that reflect critical thinking? There are times you have to make the right decision for the right reason, and you're not going to have a bright line rule. The other 27 Principles are easier to grasp, because they are things we can just do, and we need to get working on them.



Police Scotland Sergeant Jim Young:

Why Use a Sledgehammer to Crack a Nut?

Proportionality can be thought of as, “Why use a sledgehammer to crack a nut?” The way we view it is, “Was there another force option that could have been used? Why was that force option not used?”

In the end, the question is, “Was the force used the minimum amount or least injurious to achieve that lawful aim?” And if that’s not the case, then we would judge that not to be proportionate.



POLICY

4

Adopt *de-escalation* as formal agency policy.

Agencies should adopt General Orders and/or policy statements making it clear that de-escalation is the preferred, tactically sound approach in many critical incidents. General Orders should require officers to receive training on key de-escalation principles. Many agencies already provide crisis intervention training as a key element of de-escalation, but *crisis intervention policies and training must be merged with a new focus on tactics that officers can use to de-escalate situations*. De-escalation policy should also include discussion of proportionality, using distance and cover, tactical repositioning, “slowing down” situations that do not pose an immediate threat, calling for supervisory and other resources, etc. Officers must be trained in these principles, and their supervisors should hold them accountable for adhering to them.

Example

- **Seattle Police Department**⁴⁹ — “When safe under the totality of the circumstances and time and circumstances permit, officers shall use de-escalation tactics in order to reduce the need for force.”

49. <http://www.seattle.gov/police-manual/title-8---use-of-force/8000---use-of-force-core-principles>

POLICY

5 **The *Critical Decision-Making Model* provides a new way to approach critical incidents.**

Policy on use of force should be based on the concept of officers using a decision-making framework during critical incidents and other tactical situations. Departments should consider adopting the Critical Decision-Making Model (CDM), which PERF has adapted from the United Kingdom’s National Decision Model. The CDM provides officers with a logical, easy-to-use thought process for quickly analyzing and responding appropriately to a range of incidents. The CDM guides officers through a process of:

- Collecting information,
- Assessing the situation, threats, and risks,
- Considering police powers and agency policy,
- Identifying options and determining the best course of action, and
- Acting, reviewing, and re-assessing the situation.

For additional information, see “PERF’s Critical Decision-Making Model,” pp. 79–87.

COPS Office Director Ronald Davis:

We Are Creating Professional Standards

We’re talking about building trust, because we’re not just changing the practice of a police officer; we’re changing the culture, the mentality and the philosophy of policing. So for me, this is truly a defining moment. We’re setting the bar at a much higher standard—a professional standard—one that takes into account community expectations and priorities. This is not just about use of force; it applies to everything we do.



POLICY

6 ***Duty to intervene*: Officers need to prevent other officers from using excessive force.**

Officers should be obligated to intervene when they believe another officer is about to use excessive or unnecessary force, or when they witness colleagues using excessive or unnecessary force, or engaging in other misconduct. Agencies should also train officers to detect warning signs that another officer might be moving toward excessive or unnecessary force and to intervene *before* the situation escalates.

Examples

- **Phoenix Police Department**⁵⁰ — “All sworn employees will intervene, if a reasonable opportunity exists, when they know or should know another employee is using unreasonable force.”

50. https://www.phoenix.gov/policesite/Documents/operations_orders.pdf

- **Las Vegas Metropolitan Police Department**⁵¹ — “Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intercede to prevent the use of such excessive force. Officers shall promptly report these observations to a supervisor.”

NYPD First Deputy Police Commissioner Benjamin Tucker:

*Duty to Intervene Goes to the Heart
Of Why We Become Police Officers*

We added a “duty to intervene” in our policy. We underscored this because—and you all relate to this in this day and age with respect to videos—everybody is photographing us and the work that we do. One of the things I’m responsible for is the discipline in the department and the processing of our discipline cases. We see examples of this as they come through, as we’re making recommendations to the Police Commissioner. We have instances where multiple officers are at a scene standing around and not taking action, but they witness events that take place by fellow officers.

And so this is a reminder to the officers that this goes to the heart of why you became a police officer. We talk about the foundations of policing, and this notion comes out of the desire to have officers uphold the oath that they took, and to act accordingly. So it’s real simple in that respect.



San Francisco Police Chief Greg Suhr:

*When an Officer Intervenes to Stop Misconduct,
That Can Increase Community Trust*

We’ve all been there, where a suspect is really getting to another officer, but they’re not getting to you. And you know your partner, or your brother or sister officer, so you basically tap them on the shoulder and tell them to stand down.

If they’re really amped up, they might not stand down easily. But last year when we had the PERF meeting with community leaders in this same room, and we watched that Texas video at the swimming club,⁵² I remember that a community leader said that obviously what the one officer did was shocking, but it was equally upsetting that the other officers missed the window to intervene. Nobody told the one officer to stand down.

On that video we just saw of the sergeant who intervened when an officer was pointing his firearm at Ferguson protesters,⁵³ did you hear what



51. http://www.lvmpd.com/Portals/0/OIO/LVMPD_Collab_Reform_Final_Report_v6-final.pdf

52. “McKinney, Texas, Cop Placed on Leave After Pulling Gun on Teens at Pool Party.” NBC News, June 8, 2015. <http://www.nbcnews.com/news/us-news/mckinney-texas-officer-leave-after-wild-pool-party-video-surfaces-n371281>

53. “Officer points gun at me and other media on W. Florissant.” Caleb-Michael Files. YouTube, August 19, 2014. <https://www.youtube.com/watch?v=7jx3WLnt6Q8>

Chief Greg Suhr continued

somebody said to the sergeant, as they were walking away? Somebody yelled, “Good job, sergeant!” So the public is paying attention.

What we try to tell our officers in San Francisco is that something like that will be on video too. It won't just be the bad stuff; it'll be the corrective action that somebody took, or the apology. That'll be on the video as well.

POLICY

7 **Respect the sanctity of life by promptly *rendering first aid.***

Officers should render first aid to subjects who have been injured as a result of police actions and should promptly request medical assistance.

Example

- **Seattle Police Department**⁵⁴ — “Following a use-of-force, officers shall render or request medical aid, if needed or if requested by anyone, as soon as reasonably possible.”

Deputy Chief Christy Lopez, U.S. DOJ Civil Rights Division:

*We Must Give Officers Training on
Providing First Aid to Someone They Just Shot*

We're asking something very difficult of our officers. It asks a lot to be willing to take another human being's life, so we're asking them to do that only when it's necessary, and then to turn around and try to save that person's life that they just tried to take. That's a difficult thing to do in the moment. If we train them to do that beforehand, it makes it easier to do that, and it puts them in a better frame of mind to understand the dual role that we are asking them to play as police officers—to be willing to take someone's life, and then turn around and try to save that same life.

Wexler: You discussed this at our meeting last summer. You were talking about Cleveland, right?

Lopez: Yes, I was. When people watched that Tamir Rice video, and this happens in a lot of videos, unfortunately, to the public, it looks like the officers are idly standing around and waiting for the ambulance to arrive while someone may be bleeding to death. And in that video in particular, you see Tamir Rice's sister come running up, to try to be by her brother's side, and then you see the officer tackle her. That's not a good image. We need to teach officers how to handle that, to treat family members respectfully, to understand what the family is going through, what the community is going through, even as they handle these scenes. And it's expecting too much of any human being to handle these situations if they haven't been trained in advance.



54. <http://www.seattle.gov/police-manual/title-8---use-of-force/8200---using-force>

Shooting at vehicles must be prohibited.

Agencies should adopt a prohibition against shooting at or from a moving vehicle unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself.

Examples

According to the Washington Post database of fatal officer-involved shootings, in approximately 5% of the 990 incidents in 2015, the subject was using a vehicle as a weapon.⁵⁵

The prohibition on shooting at moving vehicles is already in place in many agencies. It has been part of PERF's use-of-force recommendations to individual agencies for years, and is included in the model use-of-force policy from the International Association of Chiefs of Police. Agencies with this policy currently in effect include the following:

- New York Police Department⁵⁶ (enacted in 1972)
- Boston Police Department⁵⁷
- Chicago Police Department⁵⁸
- Cincinnati Police Department⁵⁹
- Denver Police Department⁶⁰
- Philadelphia Police Department⁶¹
- Washington, DC Metropolitan Police Department⁶²

>> continued on page 48

Nassau County, NY Police Commissioner Thomas Krumpter:*Our Police Shootings Dropped Significantly After We Simply Changed the Policy*

We changed the policy in Nassau County about two years ago, and since then we've only had one incident where a police officer shot at a moving vehicle. The number of shootings was significantly reduced by simply changing that policy. The one case will go before a review board that reviews all use of deadly force, and if appropriate, he'll be held accountable, whether it's retraining or discipline.



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

56. http://www.nyc.gov/html/oignypd/assets/downloads/pdf/oig_nypd_use_of_force_report_-_oct_1_2015.pdf, Appendix A.

57. <http://static1.squarespace.com/static/5086f19ce4b0ad16ff15598d/t/52af5f30e4b0dbce9d22a80d/1387224880253/Rule+303.pdf>

58. <http://directives.chicagopolice.org/lt2015/data/a7a57be2-1290de63-7db12-90f0-e9796f7bbbc1a2d2.html?ownapi=1>

59. <http://www.cincinnati-oh.gov/police/assets/File/Procedures/12550.pdf>

60. http://extras.mnginteractive.com/live/media/site36/2015/0609/20150609_081455_OMS-105-05_APPROVED_06-08-15.pdf

61. <https://www.phillypolice.com/assets/directives/PPD-Directive-10.1.pdf>

62. https://go.mpdconline.com/GO/GO_901_07.pdf

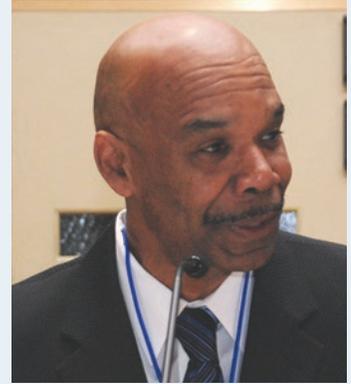
Denver Police Chief Robert C. White:

We Adopted a New Policy and Training To Prevent Shooting at Cars

I got a phone call from Chuck Wexler recently, and that usually does not mean good news [laughter]. We had had seven officers shooting into moving vehicles over the last decade. Chuck heard about this, and told me about NYPD's policy that prohibits shooting at vehicles unless someone in the vehicle is using deadly force by means other than the vehicle itself.

I realized we needed to do something different, and I realized that what Chuck was telling me was accurate and it's actually a great policy. So we changed our policy so it's very similar to theirs.

The other necessary part of this is that we provided our officers with extra training, better tactical training, related to how to get out of the way of a moving vehicle.



With Better Policies, Training, and Equipment, We Can Reduce Police Shootings and Keep Officers Safe

PERF asked John F. Timoney to discuss the PERF 30 Guiding Principles in the context of his experience as First Deputy Commissioner of the New York City Police Department, Commissioner of Police in Philadelphia, and Chief of Police in Miami, FL.

By John F. Timoney

Many of the elements of the PERF 30 Guiding Principles have been tried and tested successfully in the three police departments where I have served.

Shooting at Moving Vehicles

Take PERF's Principle #8, which calls on agencies to adopt "a prohibition against shooting at or from a moving vehicle unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself."

The New York City Police Department, where I began my career, adopted this policy more than 40 years ago. The policy was part of a package of reforms developed within the NYPD in 1971, which also included a ban on "warning shots," and more thorough investigations by senior officers of all police shooting incidents, regardless of whether anyone was injured or killed.

The package of reforms was not implemented immediately, because the top brass in the department were waiting for the right time to announce it. That moment came in August 1972, with the fatal shooting by an NYPD officer of an 11-year-old African-American boy who was fleeing in a stolen car.

When the new policy was announced, the controversy was intense. The police union strenuously objected, saying that the policy would endanger officers and that the department was caving to community pressure. The news media fanned the flames, taking one side or the other depending on their point of view.

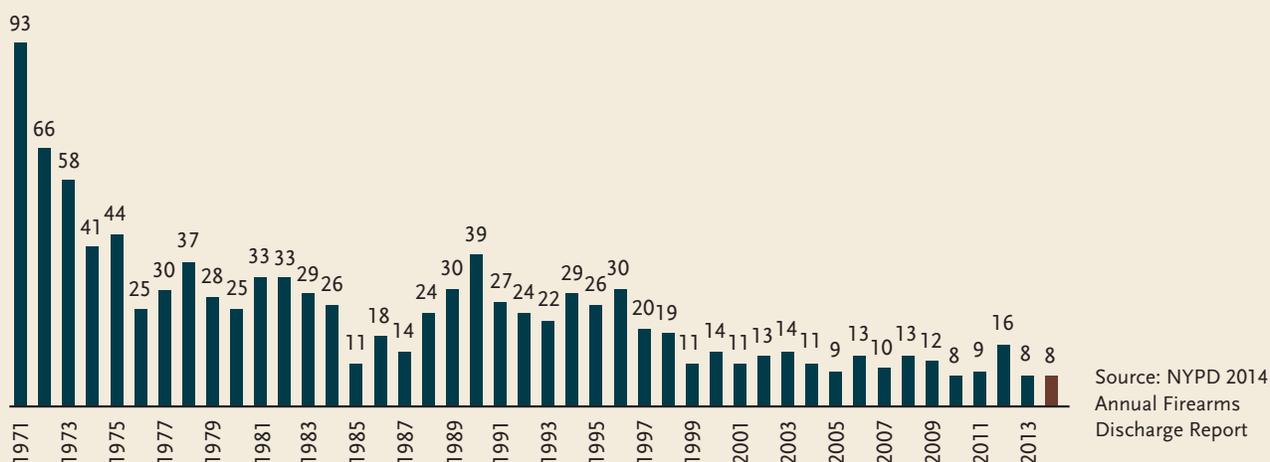
What nobody expected was how quickly the policy caused police shootings to plummet. The policy took effect in August 1972. In 1972, there were 994 shooting incidents involving NYPD officers. The numbers for September–December, immediately after the policy took effect, were down about 40 percent compared to the January–August figures. The following year, total shootings numbered 665—



Total Shooting Incidents Involving Officers, NYPD, 1971–2014



Subjects Shot and Killed by Officers, NYPD, 1971–2014



a 33-percent reduction in the first year.⁶³ Those numbers have continued to decline to this day, and in recent years have been below 100 shootings per year. Fatal shootings show a similar pattern.

A strict policy does not mean that there will never be an exception to the rule. If a cop can give a valid reason why he or she shot at a moving car (I have heard a few in my time), it can be treated as an exception to the rule. But in the large majority of cases, a strict rule against shooting at cars will not only save lives, it will keep our cops out of trouble, out of the press, and God forbid, out of jail.

Duty To Intervene

Let’s consider PERF Guiding Principle #6, on the “duty to intervene.” This one goes back at least 23 years. In 1993, I was Commanding Officer of the NYPD’s Office of Management Analysis and Planning. The Rodney King incident had just happened, and the video showed more than a dozen officers standing by and watching the beating happen. For many of us, seeing the sergeant at the scene watch passively violated every principle of proper supervision. So we wrote a policy for the NYPD creating a duty to intervene.

63. New York Police Department. “2014 Annual Firearms Discharge Report.” Figure 45, “Total Shooting Incidents Involving Officers, 1971-2014.” Page 56. http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/nypd_annual_firearms_discharge_report_2014V3.pdf

I made it a point to talk about the duty to intervene at roll calls and sergeants' promotion ceremonies. I used the example of a fellow NYPD officer who was convicted of homicide for the fatal beating of a suspect in a station house in 1975. Other officers and a sergeant failed to intervene to stop the beating. In fact, the sergeant later turned state's witness against his own officer.

Sometimes, in the heat of battle, a cop loses his cool. It's never an excuse for using excessive force, but it happens. In the case I cited, the suspect who was beaten to death had earlier fired a shot in the direction of officers, and apparently this officer was angry about it. The beating was indefensible, but it could have been prevented if the sergeant or other officers had stepped in at the first sign that the officer was losing control of himself. That's what a duty-to-intervene policy is about.

Don't Create an Exigency That Justifies Use of Lethal Force

Many of the PERF Guiding Principles are based on the concept of taking a wider look at the types of incidents in which force is often used. Too often, we only look at the exact moment when an officer uses deadly force. We also need to "go upstream" and see whether officers are missing opportunities to de-escalate incidents, in order to prevent them from ever reaching the point where a use of force is required or justified.

A decade ago, we put such a policy into place in Miami, which states that when officers are attempting to approach, pursue, or stop a motor vehicle or an armed subject, they "shall not unreasonably place themselves in a position where a threat of imminent danger of death or serious physical injury is created."

The point is not to punish officers, or to engage in "Monday-morning quarterbacking." The point is to find ways to prevent unnecessary uses of force from happening in the first place.

These policies protect everyone by teaching officers how to avoid getting into situations where they will be in danger.

We Can Do Better

Based on our remarkable results with use-of-force policies in the NYPD, I adopted similar policies when I went to Philadelphia and later Miami.

On the day I took office as chief in Miami in 2003, there were 13 Miami officers being prosecuted on charges resulting from shootings of civilians. The scandal had damaged public confidence in the police, and morale within the department was low. We implemented new policies, new crisis intervention training, and new less-lethal equipment, based on the philosophical underpinning that all human life is sacred. And again we saw immediate results, going 20 months in 2003-04 without a single shooting by an officer.

We can reduce police shootings without endangering officers' safety. The key is getting buy-in from your executive staff, your union leaders, your trainers, and your officers. The best place to take new policies to officers is at roll call, where the policies can be questioned and defended.

In Miami, implementing reforms was somewhat easier than in New York, because the arrests and trial of 13 officers had gotten the attention of everyone in the department. They knew that we needed to make changes.

The United States is at a similar point today. The nation has seen questionable shootings over the last 18 months and is asking, "Can't we do better than this?" My experience in three large departments has taught me that yes, we can do better.

John F. Timoney began his policing career in the NYPD in 1967, rising quickly through the ranks to become the youngest four-star chief of department in the NYPD's history. In 1995, he became the First Deputy Commissioner, the department's second in command. In 1998 Timoney became Commissioner of Police in Philadelphia, where he implemented a series of reforms in the investigation of sexual assaults, which to this day are considered a model. From 2003 to 2010, he served as Chief of Police in Miami. Timoney, who served as PERF President from 2007 to 2009, is now the senior police advisor to the nation of Bahrain. He is author of "Beat Cop to Top Cop – A Tale of Three Cities."

POLICY

9 Prohibit use of deadly force against individuals *who pose a danger only to themselves.*

Agencies should prohibit the use of deadly force, and carefully consider the use of many less-lethal options, against individuals who pose a danger only to themselves and not to other members of the public or to officers. Officers should be prepared to exercise considerable discretion to wait as long as necessary so that the situation can be resolved peacefully.

San Francisco Police Chief Greg Suhr:

*We Adopted This Policy to Prevent
Deadly Force Against Suicidal Persons*

We initiated this policy in May 2011. You would think it's a no-brainer, but we actually got push-back on this originally. This was designed for that type of situation where somebody calls the police asking for help, and the police end up using deadly force against a person who was threatening suicide or was in mental crisis.

I believe that police officers like absolute rules, because they're easy to follow. And so if they know going in that they cannot use deadly force against someone who is only threatening himself, then they've got to figure something else out. Since May 2011, we haven't had a situation in which an officer used deadly force against a person who was a danger only to themselves.



POLICY

10 Document use-of-force incidents, and review data and enforcement practices to ensure that they are *fair and non-discriminatory.*

Agencies should document all uses of force that involve a hand or leg technique; the use of a deadly weapon, less-lethal weapon, or weapon of opportunity; or any instance where injury is observed or alleged by the subject. In addition, agencies should capture and review reports on the pointing of a firearm or an Electronic Control Weapon at an individual as a threat of force.

This information is critical for both external reporting and internal improvements to policy and training. Agencies should analyze their data carefully and consult with their communities to ensure that use-of-force and enforcement practices are not discriminatory.

Agencies should develop strong policies and protocols for reviewing all use-of-force reports to ensure accuracy and completeness, including comparing written reports with video footage from body-worn cameras, dashboard cameras, and other sources. Special attention should be paid to ensuring that reports provide clear and specific details about the incident and avoid generic, “boilerplate” language.

POLICY

11 To build understanding and trust, agencies should issue regular reports to the public on use of force.

Agencies should publish regular reports on their officers’ use of force, including officer-involved shootings, deployment of less-lethal options, and use of canines. These reports should include demographic information about the officers and subjects involved in use-of-force incidents and the circumstances under which they occurred, and also discuss efforts to prevent all types of bias and discrimination.

These reports should be published annually at a minimum, and should be widely available through the agency’s website and in hard copy.

Examples

- **Los Angeles Police Department, Use of Force Year-End Review⁶⁴**
- **New York City Police Department, Annual Firearms Discharge Report⁶⁵**
- **Palm Beach County Sheriff’s Office, Division of Internal Affairs Annual Report⁶⁶**

>> *continued on page 51*

64. <http://assets.lapdonline.org/assets/pdf/Use%20of%20Force%20Review-Final.pdf>

65. http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/nypd_annual_firearms_discharge_report_2014V3.pdf

66. <http://www.pbso.org/documents/2014AnnualReport.pdf>

Managing Use of Force in the NYPD

New Use-of-Force Policies and a New Force Investigation Division

By William J. Bratton

Police Commissioner, City of New York

For more than four-and-a-half decades, the New York City Police Department has set the national standard for firearms policy and reporting. In 1969, the NYPD instituted Department Order SOP 9 (s.69), a procedure that required in-depth documentation of firearms discharges during hostile encounters. Within a few years, the NYPD expanded the order beyond police-involved combat. **Since the early 1970s, the Department has recorded and evaluated every instance in which an officer discharges his or her weapon, whether the discharge occurs purposefully, accidentally, or, in rare instances, criminally.**

SOP 9's stated purpose was to "[increase] the safety potential of each member of the force." It also articulated new rules prohibiting the use of warning shots and firing from or at vehicles. The NYPD enacted these new controls at a time when police were the subject of national conversation, and in the wake of the National Advisory Commission on Civil Disorders, also known as the Kerner Commission. It was also a time when violence against officers was rampant, and domestic terrorist groups actively targeted police. When annual recordkeeping began in 1971, 12 NYPD officers were shot and killed by subjects, and 47 officers were shot and injured.

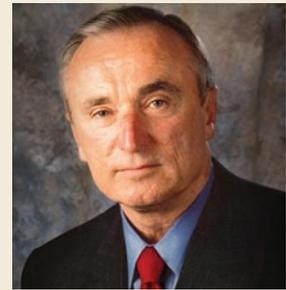
There were also 810 instances of officer-involved shootings that year. Five years later, officer-involved shootings had fallen 53 percent. Training, coupled with a policy of investigating and recording every firearms discharge, radically changed how officers respond to, engage in, and even assess the need for firearms discharges. Since then there has been Department-wide change—tactical, strategic, and cultural—with regard to how officers utilize and control their firearms.

This has had a demonstrable impact on people's lives. In 1971, officers shot and mortally wounded 93 subjects, and another 221 subjects were injured by police gunfire. These statistics are difficult to conceive of today, because the Department has made restraint the norm. In 2015, there were 67 officer-involved shootings—down 92 percent from 1971—and eight subjects were killed and 15 injured.

The department has not stopped evolving its policies and procedures. In 2008, the Department made its Annual Firearms Discharge Report public, creating the most transparent document of its kind in America. The report also made uniform firearms-discharge definitions that have set a national standard. Last year, in July 2015, the NYPD established a new Force Investigation Division to investigate all police officer-involved shootings, all deaths in custody, and all deaths related to police activity. In past practice, these reviews were performed at the borough level in each of the eight patrol boroughs with borough personnel handling policy issues, the Detective Bureau handling criminal aspects the case, and the Internal Affairs Bureau evaluating police misconduct.

The new division functions citywide and handles all aspects of each case, including building cases against shooters who have fired on police and investigating possible police misconduct. The division's 64 experienced detectives and supervisors conduct high quality investigations with an eye toward extracting tactical lessons from each incident that can be used to strengthen training and prevent tactical errors in the future.

Tracking how, when, where, and why officers discharge their weapons is an invaluable tool for working towards the Department's ultimate goal of guaranteeing that, for every discharge, no option exists other than the use of a firearm. But the department has had a less comprehensive set of policies for the use of force other than firearms. This is why, in 2016, the NYPD is introducing a new use-of-force policy that clarifies definitions, establishes levels of appropriate force, and mandates reporting and



review procedures for each level of force used. At the same time it underscores the sanctity of life and the grave responsibilities vested in police officers.

The new policy establishes a new series in our Patrol Guide that gathers all our use-of-force guidelines in one place. It defines three levels of force: Level 1 includes hand strikes, foot strikes, forcible takedowns, wrestling a subject to the ground, the use of pepper spray, and the use of conducted energy weapons or TASERS; Level 2 includes the use of impact weapons and police canine bites; and Level 3 includes firearms discharges and physical force capable of causing death or serious injury. Lesser interventions with a subject, like handcuffing or placing a subject against a wall, are not investigated as uses of force. Each level of force brings with it an appropriate level of oversight that requires recording the use of force. This oversight also allows regular review of whether uses of force were justified and within policy.

We will capture relevant data via a new Threat, Resistance, Injury (TRI) report. The TRI will also record information about how force is used against officers, and what injuries they sustain during enforcement encounters. This is the first time there has been a systematic way to gather data about assaults on police officers, and the form should provide a more complete picture of what happens in many street confrontations.

The policies and procedures we have developed for the NYPD work for our agency. Other departments may embrace different guidelines. Regardless, the profession has an urgent need for better information about how often, why, and in what ways police use force. Collecting that information requires uniform definitions and reporting standards. In the end, however, I believe strongly that when officers lawfully exercise their discretion and apply the training their leaders have provided, those officers must retain their leaders' faith and support. This is true for arrest decisions, and for use-of-force instances, as well.

William J. Bratton, Commissioner of the New York City Police Department, previously held the top positions in the Los Angeles Police Department, the Boston Police Department, several other police agencies, and a previous term as NYPD Commissioner from 1994 to 1996. He is a U.S. Army Vietnam veteran, and is the author of Turnaround: How America's Top Cop Reversed the Crime Epidemic. He served as PERF President twice, during his first term as NYPD Commissioner and again as Chief of Police in Los Angeles. His many honors include both of PERF's awards, the Gary P. Hayes Award and the Leadership Award.

continued from page 49

POLICY

12 All critical police incidents resulting in death or serious bodily injury should be reviewed by specially trained personnel.

Incidents that involve death or serious injury as a result of a police action should be reviewed by a team of specially trained personnel. This can be done either within the agency through a separate “force investigation unit” that has appropriate resources, expertise, and community trust, or by another law enforcement agency that has the resources, expertise, and credibility to conduct the investigation. Other uses of force should be investigated by the officer’s supervisor and reviewed through the chain of command. Supervisors should respond to the scene of any use-of-force incident to initiate the investigation. Agencies should thoroughly investigate all non-training-related firearms discharges, regardless of whether the subject was struck.

POLICY

13 Agencies need to be *transparent* in providing information following use-of-force incidents.

Agencies that experience an officer-involved shooting or other serious use-of-force incident should release as much information as possible to the public, as quickly as possible, acknowledging that the information is preliminary and may change as more details unfold. At a minimum, agencies should release basic, preliminary information about an incident within hours of its occurrence, and should provide regular updates as new information becomes available (as they would with other serious incidents that the public is interested in).

Guiding Principles: Training and Tactics

TRAINING AND TACTICS

14 Training *academy content and culture* must reflect agency values.

The content of police training and the training academy culture should reflect the core values, attributes, and skills that the agency wants its personnel to exhibit in their work in the community. Chief executives or their designees should audit training classes to determine whether training is up to date and reflects the agency's mission and values. This values-based training culture must extend to the agency's field training and in-service training programs as well.

Charles Ramsey, Philadelphia Police Commissioner (Ret.):

Police Trainers Sometimes Resist Changes in Policy and Training

Wexler: Chuck, when you were commissioner in Philadelphia, you said you had to go into the Academy and see what was being taught. What did you mean by that?

Commissioner Ramsey: This is not unique to Philadelphia. We can write all the policies we want and develop training curriculums, but if that's not being taught in the academy—in other words, if the instructors are telling them something else—that's a problem.

So you have to periodically check to make sure that the academy training is consistent with what you're trying to achieve. Just going by and listening is a good way to do that. Often what you find, at least in the departments I've worked in, is that a lot of the trainers have been in the academy a long time. They've been off the street a long time. And so they're not up to speed with some of the things that are going on that are causing us to make the changes we are making. They don't necessarily agree. And you can't move them out of there.



Charles Ramsey continued

When I was in Chicago and we were trying to put together a community policing training, we actually had to create a small training unit outside the academy to do the training, because the culture in the academy was so resistant to community policing that I wasn't going to risk the strategy by putting the training for it in the academy. With the old-timers in there, it was just not a good situation.

So by dropping in on your training, you can make sure it's consistent down the line. And the same thing applies to Field Training officers—that stuff you hear about FTOs telling recruits, “Forget everything you learned in the academy.” These are key positions, and you've got to have the right folks there.

We also need to think about how we do firearms training, so we won't be reinforcing all the bad things we're talking about. The firearms training everywhere I've been, we have officers stand on a line and fire at a target. There's nothing they can use as cover; it's just shooting at a target that's not shooting back at you. And everyone is firing at once, so sympathetic fire becomes an issue; and there's no judgment about whether you *should* be firing.

TRAINING AND TACTICS

15 **Officers should be trained to use a *Critical Decision-Making Model*.**

As mentioned in Recommendation 5 in the Policy section, agencies should train officers to use a decision-making framework during critical incidents and other tactical situations.

The Critical Decision-Making Model developed by PERF provides a framework for patrol officers and other agency members to enhance their decision-making in a range of incidents. (See pages 79–87 for details.)

Houston Executive Assistant Police Chief George Buenik:

*We Need to Teach Critical Decision Making
To Personnel Beyond SWAT*

The United Kingdom's National Decision Model is a great concept, and in Scotland they are teaching it at the line level so it doesn't just apply to serious situations. In American policing we're using something like the decision model with our tactical SWAT teams. Our challenge is to try to teach how to apply decision-making to every incident.



TRAINING AND TACTICS

16 Use *Distance, Cover, and Time* to replace outdated concepts such as the “21-foot rule” and “drawing a line in the sand.”

Agencies should train their officers on the principles of using distance, cover, and time when approaching and managing certain critical incidents. In many situations, a better outcome can result if officers can buy more time to assess the situation and their options, bring additional resources to the scene, and develop a plan for resolving the incident without the use of force or only with force that is necessary to mitigate the threat.

Agencies should eliminate from their policies and training all references to the so-called “21-foot rule” regarding officers who are confronted with a subject armed with an edged weapon. Instead, officers should be trained to use distance and cover to create a “reaction gap,” or “safe zone,” between themselves and the individual, and to consider all options for responding.

Springboro, OH Police Chief Jeffrey Kruihoff:

“Distance + Cover = Time” Is a Concept That Is Important and Easy to Understand

“Distance + Cover = Time” was one of the things I walked away with from the last PERF meeting. I think it was a training sergeant from Los Angeles who capsulized it so easily. I found this so concise and easy to convey, it’s almost something you want to post in your building. Or maybe this should be the last thing the sergeant says to the troops before they go out on the road.



TRAINING AND TACTICS

17 *De-escalation* should be a core theme of an agency’s training program.

Agencies should train their officers on a comprehensive program of de-escalation strategies and tactics designed to defuse tense encounters. De-escalation can be used in a range of situations, especially when confronting subjects who are combative and/or suffering a crisis because of mental illness, substance abuse, developmental disabilities, or other conditions that can cause them to behave erratically and dangerously. De-escalation strategies should be based on the following key principles:

- Effective communication is enough to resolve many situations; communications should be the first option, and officers should maintain communication throughout any encounter.

- In difficult situations, communications often are more effective when they begin at a “low level,” e.g., officers speaking calmly and in a normal tone of voice, and asking questions rather than issuing orders.
- Whenever possible, officers should be trained to use distance and cover to “slow the situation down” and create more time for them to continue communicating and developing options.
- If an encounter requires a use of force, officers should start at only the level of force that is necessary to mitigate the threat. Officers should not unnecessarily escalate a situation themselves.
- As the situation and threats change, officers should re-evaluate them and respond proportionally; in some cases, this will mean deploying a higher force option, in others a lower option, depending on the circumstances.

Palm Beach County, FL Sheriff Ric Bradshaw:

How We Use the “Tactical Pause” For Pre-Event Planning and Strategy

In 2013 and 2014, we began looking at and instituting additional measures in the pre-event phase of an incident, with the goal of reversing an upward trend in our officer-involved shootings. A concept we call the “Tactical Pause” has been at the forefront of this change, with a new and significant emphasis on our “pre-event” approach to calls for service.

Historically, our training focused more on the “event,” or point of engagement. As part of taking a serious look at Tactical Pause, we identified the need for slowing down our response in certain instances and carefully evaluating the level of urgency.

Generally speaking, as first responders, time is on our side. In slowing our response, we have a greater ability to think more clearly and objectively, approach the situation more methodically, and marshal in the needed resources such as personnel and additional less-lethal tools and equipment, all to increase the chances of bringing the incident to a peaceful resolution. The focus on pre-event planning and strategy would also mitigate “officer-created jeopardy.”

We needed to create time and distance to give ourselves an opportunity at communicating and negotiating our way toward a more positive resolution, rather than prematurely committing ourselves to the point of engagement. To reinforce our focus of pre-event planning and strategy, we reversed our training priorities in discretionary decision-making from lethal force scenarios to mostly less-lethal force scenarios, which offer more available options in dealing with a volatile situation.

The paradigm shift appears to be working. There has been a dramatic reduction in officer-involved shootings from nine each in 2012, 2013, and 2014, to just three in 2015. This downward trend is continuing into 2016.



18 De-escalation starts with *effective communications*.

To effectively carry out the agency’s de-escalation strategies, all officers should receive rigorous and ongoing training on communications skills. Officers should be trained to effectively communicate in a range of situations, including everyday interactions while on duty, public speaking and meeting facilitation, interacting with victims and witnesses, handling critical incidents, and dealing with people with mental health and/or substance abuse problems. All officers should also receive training on basic negotiations techniques.

NYPD Deputy Inspector Matthew Galvin:

Communication Brings the Subject to Us

Wexler: De-escalation begins with communication. This was one of the biggest things we took away from the NYPD and Scotland. Why is communication so important?

Inspector Galvin: Communication leads to negotiation, and it contributes to slowing the pace. If we slow the pace, we can buy some time and develop a plan. The communication, and talking in a de-escalating tone, brings the subject to us, rather than allowing ourselves to be brought up to the subject’s escalated level of tension. If we can bring a feeling of calm to the situation, through time and communicating, and bring that subject to us, hopefully we can resolve it safely.



Fresno, CA Police Chief Jerry Dyer:

*As Technology Has Proliferated,
Our Communications Skills Seem To Have Diminished*

What we experienced in our department when we first started using Tasers many years ago, which led to every officer being required to carry one in the field, was a loss of verbal skills by officers. When many of us came on the job, there was no such thing as a Taser. So we had to rely more on our communications skills, and be more patient with individuals we were dealing with. Once Tasers became prevalent, officers resorted to the use of them frequently in order to resolve situations more quickly.



Mental Illness: Implement a *comprehensive agency training program* on dealing with people with mental health issues.

Officers must be trained in how to recognize people with mental health issues and deal with them in a safe and humane manner. Many agencies already provide some form of crisis intervention training as a key element of de-escalation, but crisis intervention policies and training must be merged with a new focus on tactics that officers can use to de-escalate situations. At a minimum, agencies should seek to:

- Provide all officers with awareness and recognition of mental health and substance abuse issues, as well as basic techniques for communicating with people with these problems.
- Provide in-depth training (for example, the 40-hour Crisis Intervention Team or “CIT” training) to a subset of officers and field supervisors (preferably those who have indicated an interest in this area), with the goal of having CIT-trained personnel on duty and available to respond at all times. This training should focus heavily on communication and de-escalation strategies.
- Some agencies may choose to provide in-depth CIT training to all of their personnel.
- Crisis Intervention *Teams*, made up of police officers and mental health workers, can often be the most effective option. These teams are called to respond to incidents involving mental illness or similar issues, and thus the teams develop expertise, as well as familiarity with individuals who generate multiple calls for service over time. In some cases, Crisis Intervention Teams also work to solve underlying problems by helping persons with mental illness to obtain treatment.
- For all of their mental health training, agencies should coordinate with local mental health professionals on content and delivery.

>> *continued on page 60*

Seattle Police Department Data Demonstrate How Crisis Intervention Training Reduces Use of Force

The Seattle Police Department (SPD) is becoming a national leader in successfully using Crisis Intervention training and related strategies to respond safely and effectively, with very low rates of using force, to incidents involving persons with a mental illness, drug addiction, or other conditions that can cause them to behave erratically and threateningly, according to a report by the monitor charged with evaluating the department's compliance with a Justice Department consent decree.⁶⁷

"The Monitoring Team has been impressed with SPD's efforts to ... create a structure that supports an effective strategy to engage individuals in behavioral crisis," Monitor Merrick J. Bobb said in a February 16, 2016 status report to a federal judge. "The Department should be applauded for [its] efforts to ensure that specialized, highly trained officers respond to crisis intervention incidents."

The Seattle Police Department entered into a consent decree with the Justice Department in 2012 regarding its use-of-force policies and practices. The agreement included provisions to begin gathering information about how often Seattle police officers encounter persons in crisis, and how they handle those incidents.

In May 2015, Seattle officers began using a three-page form called the "Crisis Template" to capture data on every contact police make with someone in crisis. In the first three months, from June to August, there were 2,516 such contacts.

Subjects Were Disorderly, Belligerent, Had Knives and Other Weapons

Many of the incidents involved "significant challenges ... posed to officers," the Monitor's report noted. Of the 2,516 incidents:

- 823 involved persons who were "*disorderly disruptive*."
- 590 were "*belligerent uncooperative*."
- 611 of the persons made a *suicide threat* or attempt.
- 96 had a *knife*.
- 16 had a *gun*.
- And 109 had *other weapons*.

Police Used Force in 2 Percent of the Encounters

Despite those serious challenges, the Monitor found that officers used force in only 51 of those incidents—2 percent of the 2,516 incidents. Furthermore, of those 51 uses of force, 42 were classified as Type I, the lowest level, which includes "soft takedowns, open or empty-hand strikes or other disorientation techniques, and wrist lock with sufficient force to cause pain or complaint of pain." The other uses of force were Type II, which includes use of OC spray, a beanbag gun, or an Electronic Control Weapon.

None of the 51 uses of force in the 2,516 incidents were Type III, the highest level, which includes deadly force or any use of force that causes loss of consciousness or substantial bodily harm.

"These numbers suggest that the SPD is using significant and appropriate restraint in difficult situations, making decisions that preserve safety and reduce use of force," the Monitor's report to the court said.

The Monitor also noted that "to our knowledge, SPD is the only agency in the nation that is currently tracking this statistic [use of force in crisis intervention incidents] with any level of detail."

67. All data and quotations in this sidebar are from "Fifth Systemic Assessment: Crisis Intervention," Seattle Police Monitor. February 2016. <http://www.seattlemonitor.com/reports-resources/>

The Monitor’s report also cited anecdotal reports, such as the following:

“Officers AA and BB were dispatched to the scene of an intoxicated individual in crisis, holding two large butcher knives in each hand. The officers withdrew from the entrance of the apartment, creating distance, and developed a rapport with the individual. The subject later complied with the officer’s instructions and was taken into custody without further resistance.”

High Levels of CIT Training Are Essential

The Monitor also credited the Seattle Police Department with “creat[ing] a full-fledged crisis intervention program that is successfully being woven into the SPD organization.” Since 2014, all officers have received 8 hours of basic crisis intervention training, and as of December 31, 2015, 550 of the department’s officers—40 percent of the entire force—have completed a 40-hour advanced crisis intervention training and 8 additional hours of advanced training.

As a result of this comprehensive training effort, officers with the highest level of training were able to respond to 71 percent of the 2,516 incidents studied—a statistic that understates the progress, the Monitor noted, because in some cases, incidents were determined to be critical incidents only *after* officers arrived, so the CIT officers had not been requested by dispatchers in those cases.

The Monitor concluded:

SPD has made great strides toward implementing a very successful CIT program.... It appears that reforms ... have had a significant impact on how the SPD engages with those in crisis. SPD officers and community members are increasingly giving the SPD positive marks for dealing with those in crisis and not escalating incidents into uses of force. ... The tremendous work of the Department in this area is to be commended.... [T]here has been a real, tangible, and objective change in the way Seattle police are interacting—compassionately and with an eye towards treatment—with those in crisis.”

Seattle Chief of Police Kathleen O’Toole:

Our Officers Use Crisis Intervention Skills To Calm Down People in Mental Health Crisis

Like most police agencies, the Seattle Police Department provides aid and service at a far greater frequency than engaging in enforcement. For instance, the SPD recognizes the need to harness community resources to address the complicated issue of behavioral crisis. The SPD partners officers with mental health professionals in the field and provides department-wide training on crisis intervention and tactical de-escalation.

Seattle police officers handled nearly 10,000 crisis interventions last year, and very few resulted in enforcement or use of force. Most were routed to community mental-health service providers, few subjects were arrested, none of the incidents required lethal force by police, and less than 2% of incidents involved de minimis or less-lethal force. The department has developed a streamlined referral system, allowing officers to easily divert those in crisis to important services provided by partner agencies.

I recall an incident just last month when police responded to a man with a knife at a laundromat. Officers recognized that the man was experiencing a mental health crisis, possibly exacerbated by the consumption of drugs. They talked to the man, calmed him down, and took him into custody, without jeopardizing their safety, his safety, or that of the public.

I’m proud the SPD has made great strides in this important area. We will continue to work with our community partners on innovative, multidisciplinary approaches to service the most vulnerable in our city.



Dash Cam Captures Seattle Officer Talking Calmly to Man with a Knife

Seattle Police have released a dash camera video of a May 2015 incident in which Officer Enoch Lee used crisis intervention strategies to prevent a potential suicide, while maintaining his own safety. Officer Lee found the man walking down the middle of a residential street in Seattle, holding a knife. Lee ordered the man to stop, but the man, who was emotionally distraught after an argument with his spouse, kept going. Relying on his crisis intervention and de-escalation training, Officer Lee convinced the man to drop the knife. Instead of being placed into custody, the man was taken to a hospital for a mental health evaluation.



While most of the encounter takes place out of the camera's view, Officer Lee can be heard on the audio saying, "I don't want to hurt you. I'm a negotiator. I'm trying to help you... That's why we're here. ...If you put the knife down and come over here and sit down, we can work something out. Could you please have a seat for me? ... You've been very respectful to me and I appreciate that, OK? I'll try to be respectful to you. I appreciate that you dropped the knife. That took a big man to do that, because I know you're upset."

The dash cam video is available online at <https://youtu.be/hxclYfbmaBQ>.

continued from page 57

TRAINING AND TACTICS

20 ***Tactical training and mental health training need to be interwoven to improve response to critical incidents.***

As noted above, strategies for dealing with people experiencing mental health crises should be woven into the tactical training that all officers receive, with a strong emphasis on communications, de-escalation techniques, maintaining cover and distance, and allowing for the time needed to resolve the incident safely for everyone. Officers who respond to scenes involving people experiencing mental health crises should be directed to call for assistance from specially trained officers and/or supervisors (e.g., CIT-trained) if possible. **Officers should be trained to work as a team, and not as individual actors, when responding to tense situations involving persons with mental illness.** Much like active-shooter situations, where working as a team is more effective than responding as individuals, mental health encounters are resolved more effectively when officers coordinate their communications, positioning, and tactics.

**National Alliance on Mental Illness
Program Manager Laura Usher:**

CIT Focuses on Communications, Not Tactics

Wexler: Laura, are CIT people trained in tactics?

Ms. Usher: There may be some misunderstanding about the verbal de-escalation skills taught in Crisis Intervention Team training. CIT teaches communications for officers who are interacting with people who are in mental health crisis, and those skills are transferable to all sorts of situations where people are escalated, where people are in distress.

CIT training doesn't focus on hands-on techniques, because officers already have thorough training in those options. However, the communications skills are taught through scenario-based role plays, so instructors have an opportunity to help officers integrate communication with their tactical skills. In fact, verbal de-escalation allows officers to bring many individuals into voluntary compliance without ever having to go hands-on.

In addition, a true CIT program empowers the appropriately-trained CIT specialist to be the leader on scene during a crisis, creating a clarity and order when multiple officers respond – all of which help maintain officer safety.

Wexler: As we read about these incidents that upset our communities, often it says that the involved officers were trained in CIT. And we ask, how can this be? The big insight from our last meeting was that there's a gap between CIT training and tactics. It's like you have two different philosophies coming to the scene.

And the reason we went to see the Emergency Service Unit in New York City is that they have it all—eight months of training, hostage negotiation, crisis intervention, communication, tactics for everything that could possibly happen. So what we are saying now about CIT is that it's necessary but not sufficient to deal with a lot of these situations. Communications are important, but so are tactics. You can't expect an officer to do just one part and not the other.

The other issue is that the NYPD's ESU can handle anything because it's a specialized unit, but we are talking about bringing this to patrol. One of our goals today is to figure out how do we get the principles of what ESU does and Police Scotland does to patrol? That's the challenge. How do we build teams to accomplish this?



TRAINING AND TACTICS

21 **Community-based outreach teams can be a valuable component to agencies' mental health response.**

Where resources exist, agencies should partner with their local mental health service community to assist with training, policy development, proactively working with people with mental illness, and responding to critical incidents. Mental health street outreach and crisis response teams can provide valuable support to the police response to these incidents and assist with de-escalation strategies directed at persons experiencing mental health crises.

Burlington, VT Police Chief Brandon del Pozo:

Outreach Teams Reduce the Burden on Patrol By Helping on Calls Involving Mental Illness

We have street outreach teams who work directly with our police officers. They have police radios; they are on our frequencies. So they hear the calls and they are authorized to respond in tandem with, or in advance of, uniformed officers.

So this way, there's two folks on the scene, the officer who can be there with force, if need be, and you also have these specially trained outreach personnel. They are civilians who know the people, especially those who generate repeated calls for service.

The job of the outreach personnel is to engage in dialogue, and sometimes they'll actually handle the calls before the officer even gets there, which is a real advantage. They'll get a call and say, "I know this guy; I know what he needs, and I can handle it." It's just really a very positive thing. There was a trust issue at first; sometimes officers don't want civilians with a police radio handling police calls for service. But once they realize this is great for de-escalation and excellent for relieving the radio run burden, they're all for it.



TRAINING AND TACTICS

22 Provide a prompt *supervisory response to critical incidents* to reduce the likelihood of unnecessary force.

Supervisors should immediately respond to any scene:

- Where a weapon (including firearm, edged weapon, rocks, or other improvised weapon) is reported,
- Where persons experiencing mental health crises are reported, or
- Where a dispatcher or other member of the department believes there is potential for significant use of force.

Some departments have trained their dispatchers to go on the radio and specifically ask the patrol supervisor if he or she is en route to specific high-risk calls, such as a person with mental illness threatening his family.

Once on the scene and if circumstances permit, supervisors should attempt to “huddle” with officers before responding to develop a plan of action that focuses on de-escalation where possible. In the case of persons with mental illness, supervisors who are not specially trained should consult and coordinate with officers on the scene who are specially trained.

San Diego Police Chief (Ret.) William Lansdowne:

Getting a Sergeant to Critical Incidents Within 15 Minutes Reduces the Chances That Deadly Force Will Be Used

Here’s the scenario that takes place on almost every single use of deadly force across the country. It takes about 15 minutes before the shots are fired. And the persons who are going to fire those shots are your patrol officers, not your specialized people, not your specially trained people.

It goes like this. The call comes in, and it takes about four minutes for the emergency operators to gather the information and put the call out on the radio. It takes about six or seven minutes in high-risk cases for the units to get on scene. The units on scene are usually going to be two patrol officers. By the time the shots are fired, it takes less than four minutes. So if you’re going to come up with training and management and supervision strategies, then you’ve got to do those within that 15-minute time frame.

We need to start with the 9-1-1 operators, and the information they gather and the information they provide to the units responding to the call. And when I say units, I include the supervisors responding to the call. If you have a system set up within your organization that gets a supervisor to the scene early on, within the 15-minute window, your chance of having an officer-involved shooting—getting someone hurt, your officer or the person—is reduced by about 80% because they can manage the situation as a team.

The other thing we have learned is that as those officers get to the scene, if they’re going to be successful in preventing an officer use of force, they’ve got to have not only the supervision but also options available to them, whether it’s K9 units, less-lethal options like bean-bag guns, or a specialized unit that has a psychologist assigned to help manage the call. The goal should be to bring whatever resources are needed to slow the situation down and manage it. Supervisors are in the best position to make that happen.



Baltimore Commissioner Kevin Davis:

I Also Ask: “Which Supervisor Was on Scene?”

One of the first questions I ask is not only “Was there a supervisor on the scene?” but also, “Who was it?” Because the differences in the quality of supervisory response means so much. And I think it’s very important to involve the sergeants and lieutenants in the scenario-based training on use of force.



TRAINING AND TACTICS

23 *Training as teams can improve performance in the field.*

Agencies should provide in-service training on critical decision-making, de-escalation, and use of force to teams of officers at the same time. When officers who work together on a daily basis train together, coordination and consistency in tactics increase, and the likelihood of undesirable outcomes during critical incidents decreases. Recognizing that this approach may increase costs and disrupt scheduling, agencies should consider alternative arrangements to traditional, day-long in-service training classes—for example, by bringing in a team of officers for a few hours of training several times a year. If training as teams is not feasible, agencies should at least ensure standardization in their policies and training so that all officers are receiving the same information.

Houston Executive Assistant Police Chief George Buenik:

*Just Like SWAT, Tactical, and Narcotics Officers,
Our Patrol Officers Should Train as Teams*

Everyone knows that SWAT trains as a team, and in Houston, each station has a Tactical Team that trains as a team, and our Narcotics Division obviously trains as a team. We're also looking at putting together teams of patrol officers—men and women who work the streets every day, who will be first responders to these situations with the people with knives.



TRAINING AND TACTICS

24 *Scenario-based training should be prevalent, challenging, and realistic.*

In both recruit and in-service programs, agencies should provide use-of-force training that utilizes realistic and challenging scenarios that officers are likely to encounter in the field. Scenarios should be based on real-life situations and utilize encounters that officers in the agency have recently faced. Scenarios should go beyond the traditional “shoot-don’t shoot” decision-making, and instead provide for a variety of possible outcomes, including some in which communication, de-escalation, and use of less-lethal options are most appropriate. Scenario-based training focused on decision-making should be integrated with officers’ regular requalification on their firearms and less-lethal equipment.

Dallas Deputy Police Chief Jeff Cotner:

We Are Creating Less-Lethal Teams Throughout Patrol To Handle These Situations

We are looking to create less-lethal teams throughout the entire Patrol Division, 24/7/365. In a sense, they will be patrol “SWAT members” who are authorized to do less-lethal. We are developing a protocol right now in which we want to get the guns out of the hands of the patrol officers on scene, get the guns back in the holsters, and let these disciplined officers take over the problem. We’re in the process of procuring 40-mm launchers that will fire a sponge round at an individual; it’s a less-lethal option. We’re looking at buying over 100 of them.

Wexler: How is this going over with officers?

Chief Cotner: I think we all share this, that our training in the past has taught our officers to put the gun in their hand, versus looking to assess and see if there are other options.

We’ve begun to do this in our recertification training, which is 40 hours. We train on procedural justice, legitimacy, and we have a lot of what has been discussed here about emotional intelligence, de-escalation, CIT training, and then our reality-based training, and the last day we go to the pistol range. **But as Commissioner Ramsey suggested we should do, we’re not moving forward toward the targets, we’re going to be backing away from the targets. We’re trying to instill, at every appropriate opportunity, de-escalation, distance, and moving away from the target.**



Guiding Principles: Equipment

EQUIPMENT

25

Officers need *access to and training in less-lethal options.*

Patrol officers should be given access to, and regular training in, an appropriate range of less-lethal weapons and equipment to support their critical decision-making and de-escalation efforts. Personnel specially trained in mental health issues should be issued and trained in the full range of less-lethal options offered by the agency.

Miami Beach, FL Police Chief Daniel Oates:

A Police Shooting of a Bank Robber In My City Was Captured on Video

As a new chief, I've been dealing with one of these shootings.⁶⁸ It involved a career bank robber who had just spent 12 years in jail in Pennsylvania. He was returned to a halfway house in Miami, which is where his last bank robbery had been committed, and he was there only two days before he escaped and came to my town, where he tried unsuccessfully to rob a bank. Then he went into a barber shop, terrorized the people inside, fled into a back room, locked the door, grabbed a straight-edge razor, and came outside. There was 10 minutes of dialogue between him and the officers, that ends with him being shot.

I still have to render judgment, but a number of issues have come out of this incident that I can mention. I learned that most police agencies in South Florida do not have less-lethal long guns, which can be very effective in allowing officers to keep a distance from a person. We will be acquiring those weapons. I've also had a conversation with my K-9 folks—not that you would necessarily send a dog in on this person—but a dog can be a tremendous distraction.

I have some work to do to recover from this. We sent one of our people to the PERF meetings in Scotland. We're exploring and we're partnering with PERF on this.



EQUIPMENT

26 Agencies should consider *new options for chemical spray.*

Agencies should evaluate their current policies and practices on the use of chemical spray, and consider alternatives that address officers' concerns over cross-contamination and flammability. In the United Kingdom, some agencies are now using PAVA spray (pelargonic acid vanillylamide). Unlike traditional CS or OC sprays, PAVA has a concentrated stream that is more accurate, minimizes cross-contamination, and is not flammable (meaning it can be used in conjunction with an Electronic Control Weapon). While PAVA is not currently available in the United States, agencies should research and evaluate alternative products that provide some of the same features and benefits.

68. "Alleged bank robber shot and killed by Miami Beach police on Alton Road." Miami Herald, December 5, 2015. <http://www.miamiherald.com/news/local/community/miami-dade/miami-beach/article48175540.html>

Addressing Shortcomings with Chemical Sprays

PERF chiefs and others have noted that while most U.S. police officers carry chemical spray, they use that less-lethal option infrequently—certainly much less often than officers in other countries, such as the United Kingdom, which has had better experiences with sprays. Specifically, American officers have noted a number of issues with traditional OC and CS spray, including the following:

- Cross-contamination, especially of fellow officers on the scene
- Lack of accuracy, especially in windy or other challenging conditions
- Lack of range—the distance at which the spray is effective
- Flammability, precluding the use of spray in conjunction with Electronic Control Weapons.

Some manufacturers and suppliers of chemical sprays to U.S. police agencies are beginning to develop new products that address these concerns. In order to provide their officers with a wide range of effective, less-lethal options, agencies should research product options to identify the most effective chemical spray. The goal should be to provide and train officers with a less-lethal option that is effective and that the officers will feel confident in using.

EQUIPMENT

27 An ECW deployment that is not effective does not mean that officers should automatically move to their firearms.

Agencies should ensure that their policies, training, and procedures around the use of Electronic Control Weapons (ECWs) are consistent with the 53 guidelines released by PERF and the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) in 2011.⁶⁹

Accounts of fatal police shootings often state that “the officer tried an ECW, it had no effect, and so the officer then used a firearm.” This is an inappropriate way to view force options. ECWs often do not work because the subject is wearing heavy clothing or for many other reasons. An ECW deployment that is not effective does not mean officers should automatically move to their firearms. Under the Critical Decision-Making Model, an ineffective ECW deployment should prompt officers to re-assess the situation and the current status of the threat, and to take appropriate, proportional actions. In some cases, that may mean tactically repositioning, getting together as a team, and assessing different options.

69. 2011 Electronic Control Weapon Guidelines. http://www.policeforum.org/assets/docs/Free_Online_Documents/Use_of_Force/electronic%20control%20weapon%20guidelines%202011.pdf

EQUIPMENT

28 *Personal protection shields enhance officer safety and may support de-escalation efforts during critical incidents, including situations involving persons with knives, baseball bats, or other improvised weapons that are not firearms.*

Agencies should acquire personal protection shields for use by patrol officers and others in managing some critical incidents. Officers with access to personal protection shields should be adequately trained on how to use the shields both individually and as part of a team operation.



NYPD Deputy Inspector Matthew Galvin and NYPD Emergency Service Unit Lieutenant Sean Patterson demonstrate lightweight acrylic shields

Guiding Principles: Information Exchange

INFORMATION EXCHANGE

29 *Well trained call-takers and dispatchers are essential to the police response to critical incidents.*

A number of controversial uses of force by police have stemmed from failures of call-takers and dispatchers to obtain, or relay to responding officers, critically important information about the nature of the incident.

Agencies should ensure that call-takers and dispatchers receive thorough, hands-on training to support the police response to critical incidents that may involve the use of force. This training should include dealing with persons with mental illness (including communicating with family members and agency protocols), crisis communications, use-of-force policy, and de-escalation strategies. As part of their training, call-takers and dispatchers should take part in ride-alongs with patrol officers and specialized units, and they should actively participate in the agency's mental health training programs.

>> *continued on page 71*

Tamir Rice Case Illustrates Tragic Consequences Of Breakdown in Communications

On November 12, 2014, a caller to Cleveland’s 9-1-1 center reported seeing a person outside Cudell Recreation Center pulling a pistol in and out of his pants and pointing it at people. The caller added that the weapon was “probably fake” and the person was “probably a juvenile.” However, the call-taker failed to electronically relay those two pieces of information to the police dispatcher, who in turn advised the responding officers of the “man with a gun” report without the crucial qualifiers. Within seconds of arriving on the scene, Officer Timothy Loehmann shot and killed 12-year-old Tamir Rice, thinking he had a real gun. Instead, as the caller to 9-1-1 had suggested, Tamir was in possession of an airsoft pellet gun with its orange safety tip removed.

Thirteen months later, in announcing that Officer Loehmann and his training officer, Frank Garmback, would not be charged in connection with the Rice killing, Cuyahoga County Prosecutor Timothy McGinty said the police communications errors were “substantial, contributing factors” to the shooting. “Had the officers been aware of these qualifiers, the training officer who was driving might have approached the scene with less urgency,” McGinty said. “Lives may not have been put at stake.”⁷⁰

Denver Deputy Police Chief Matthew Murray:

Call-Takers and Dispatchers Need CIT Training, So Everyone Is Speaking the Same Language

All of our call-takers especially, not just dispatchers, go through our 40-hour CIT training, and it’s especially tailored to them. I think that’s very beneficial because the call-takers and dispatchers are speaking the same language as the officers who have had CIT training.



70. “Errors by police radio worker ‘significant’ factor in fatal shooting of Tamir Rice, prosecutor says.” Cleveland Plain Dealer, Dec. 28, 2015. http://www.cleveland.com/metro/index.ssf/2015/12/errors_by_police_radio_workers.html

The Importance of Supervisors and Emergency Dispatch Personnel

St. Paul, MN Police Chief Thomas Smith has been involved in PERF's work on use-of-force issues for some time. Here, he discusses what he views as two of the most important considerations in reducing situations where deadly force is used: supervisory response and information from emergency dispatch personnel.

By Thomas Smith, Chief of Police, St. Paul, MN

After attending the PERF meeting last May,⁷¹ I traveled back home to St. Paul and met with my staff on many of the topics regarding the use of force which were discussed. One of the biggest takeaways that we discussed upon my return, with all of my senior staff agreeing on this, was to begin immediately to focus on providing more training for our officers—on slowing things down, taking tactical cover, and understanding that “distance plus cover equals time and safety.” We formulated a training curriculum and trained our entire department on this.



When supervisors arrive promptly, officers' use of force plummets

Regarding Guiding Principle #22, on ensuring a prompt supervisory response to critical incidents, the most critical thing I learned at the conference was that the research demonstrates that when supervisors show up at a scene within 7-15 minutes of an incident, police officers' use of force plummets. Maybe that's because in departments like mine, where we have so many new young officers and supervisors, having that sergeant or even a senior officer at the scene early on makes a difference.

The bottom line is, we now have supervisors *required* to respond to crisis and mental health “suicide in progress” types of calls. We had one the other day, and I was so impressed as I listened to the radio and heard the sergeant responding to the call with the officers. This, I truly believe, will make a difference for our department. I am also pleased with the training we give at roll calls on mental illness-related calls and the resources our officers have with local mental health professionals.

I have met with all of our supervisors during training to stress the importance of responding to these high-risk calls, because I saw that as a gap. We have supervisors getting caught up in their day-to-day activities, especially patrol bosses, but we need them out on the street when these calls come in. That means they have to listen to the radio. I know that sounds simple, but I will bet that the majority of departments—whether they are large, medium, or small departments—have supervisors who are busy with other details during their shifts, especially the day supervisors, and they're not listening to the radios as much as a midnight sergeant would. I think this is critical to our success.

Ensuring officers have information they need from dispatchers

In addition to getting supervisors on the scene, making sure the responding officers have the information they need from dispatchers is critically important. We've all seen deadly force encounters in situations where maybe we shouldn't have even been called, or the officers had a lack of information before they got there. So we are now working with our Ramsey County mental health professionals on this critical topic and also with our Ramsey County Emergency Dispatch Center which dispatches our officers. They have a response team that can respond to many of these calls without even an officer. If there's no harm to self and the person is not threatening to hurt some other family member, we probably wouldn't be called.

71. Re-Engineering Training on Police Use of Force, 2015. <http://www.policeforum.org/assets/reengineeringtraining1.pdf>

And where they are threatening harm, we now have a protocol in place for supervisors and a CIT (Crisis Intervention Team) officer to go with. And with our Communications Center, not only are they receiving training from mental health professionals, we're also providing CIT training for our dispatchers.

A 26-year veteran of the St. Paul Police Department, Thomas Smith was appointed as Chief of Police in 2010. He is a lifelong resident of St. Paul with strong beliefs in community policing principles and a history of working with the diverse communities of St. Paul. Chief Smith is a graduate of Metropolitan State University with a degree in Public Relations, and St. Thomas University with a master's degree in Education and Leadership. Chief Smith serves as a board member for the St. Paul Police Foundation. Chief Smith announced in November 2015 that he plans to retire in 2016 when a successor is selected.

continued from page 68

INFORMATION EXCHANGE

30 Educate the families of persons with mental illness on communicating with call-takers.

Agencies should work with their local mental health provider community and organizations such as the National Alliance on Mental Illness (NAMI) to create outreach and education programs for the families of persons with mental illness. Specifically, agencies should instruct family members on the types of information and details they should provide when calling 9-1-1 for an incident involving their loved ones. This type of outreach can minimize any stigma family members may feel and increase their confidence in the police response. It will also help ensure that call-takers, dispatchers, and responding officers have a more complete picture of any mental health issues associated with a call for service.

**National Alliance on Mental Illness
Program Manager Laura Usher:**

*The More that Everyone Gets Educated,
The More Safely These Situations Can Be Resolved*

When families are experiencing a mental health crisis, often times the last thing they want to do is call the police. They typically are terrified, and they're desperate. The individual is in crisis, and the family might be in crisis because they aren't able to deal with whatever behavior they're seeing with their loved one. So they call 9-1-1, but they might not say all the things that are going to be most helpful and most relevant for the dispatcher to pass along to the responding officer.

One of the things that some of our NAMI affiliate organizations do—and I would say NAMI Dallas in partnership with the Dallas Police Department is one of the best—is they'll have CIT officers meet with families and talk through crisis planning. Part of that is a 9-1-1 checklist. What do you say when you call 9-1-1? The description of the person, their illness, the medications they are on, do they have a weapon, what is their past history, what triggers them, what calms them down—all of this is really vital information that can help the officer deal with that crisis situation.



We Are Using the PERF 30 to Refine Our Policies and Training

Metropolitan Nashville Police Chief Steve Anderson examines how PERF's 30 Guiding Principles on police use of force fit with the policies, procedures, and training already in place at his department. His conclusion: Except for differences in language, the department was already following the spirit of the Guiding Principles. Chief Anderson explains why this approach is important to agency operations, officer safety, and community-police relationships in Nashville.

By Steve Anderson, Metropolitan Nashville Police Chief

Having attended the recent PERF Re-Engineering Use of Force conference and being briefed by our own Deputy Chief Brian Johnson after his participation in the PERF contingent traveling to Scotland for a firsthand view of their procedures, there were no surprises when the 30 Guiding Principles were published. When overlaid atop our own training, policies and procedures, except in nomenclature, our staff found few discernable differences. We started the process of putting a finer point on what we were doing, using the Principles as guidance. I suspect that in most agencies, at least in their written policies, the result would be the same.

Surprise, amusement, frustration and disappointment were among my reactions as various factions took exception, calling on law enforcement agencies to reject the Principles in that they exceed the “objectively reasonable” standard of *Graham v. Connor*. While I respect these organizations, and hold membership in both, it may be that a more thoughtful approach would bring us all closer together.

In rejecting the 30 Guiding Principles, *Graham v. Connor* is being described as forming a bright line of demarcation clearly defining lawful and unlawful uses of force. However, who among us knows



exactly where that line should be painted? *Graham* was published more than 25 years ago and, as in all Supreme Court opinions, is subject to broad interpretation by the courts of today. Reasonableness is always going to be in the eye of the beholder and will most certainly take into account the current political climate.

Even if we think we know where that bright line is, are we willing to send our officers up to that line, assuring them that all is well—just don't touch the line? We owe it to our officers to safeguard not only their physical safety, but also protect them from the mental and emotional anguish that will ensue in the aftermath of any significant use of force. The headlines, the internal investigations, and the inevitable civil rights lawsuit will impact their lives forever. A brief discussion with any officer who has had that cloud of interrogatories, depositions and pending court dates hanging over their head, seemingly forever, punctuated by the daily public scrutiny, will convince any law enforcement leader that uses of force that can safely be avoided should be avoided.

There also seems to be some angst concerning the Principles addressing proportionality and taking into account how the public will view the use of force. Certainly every law enforcement leader is now on notice as to how public opinion can affect the operation of, or even destroy, an agency. Hopefully, we have learned that from time to time we need to step out of the constant noise that surrounds us and listen to the collective heartbeat of the public. Every officer on the street must listen also. The instant communication and social media of today have virtually taken away any privacy individual officers may have enjoyed in times past. Today, it is not just the agency that is publicly vilified; individual officers are sought out and their lives invaded. What is reasonable under the law may not pass the reasonableness test of the public, and the public is quick to tell us.

We all have to come to some decision as to what policies, procedures, training, and practices will be embraced by our own departments. As decisions such as these are being made, it is sometimes helpful to imagine yourself sitting in the witness chair in federal court or behind a podium addressing public inquiry about use of force policies and practices. Would you be more comfortable quoting a policy that takes into account the 30 Guiding Principles, or attempting to explain the *Graham* test of objective reasonableness?

Finally, in the heart of the announcement seeking rejection of the 30 Guiding Principles, the following key statement is made: "Officers are not just taught how to shoot or how to restrain a violent suspect—they are trained to use their best judgement to resolve any given situation and to do so with the safety of the public, the officer, and the suspect as their foremost objectives." This appears to be somewhat of an acknowledgement that *Graham*, and the line it seeks to draw, should not be the controlling factor in resolving a situation. In fact, this statement is much more in line with the 30 Guiding Principles than with the hard and narrow focus that takes *Graham* to the limit.

I am reminded of the oft-repeated axiom originating from the title of a popular stage production created some 500 years ago. It all seems to be much ado about nothing. While all of the organizations of which I am a member may not appear to be on the same page, they are all in the same book, in the same chapter, closer to agreeing than is being acknowledged.

Chief Steve Anderson is a 41-year veteran of the Metropolitan Nashville Police Department (MNPd). He was appointed Chief of Police in 2010. Prior to that, he headed the Administrative Services Bureau, the Investigative Services Bureau, and, most recently, the Field Operations Bureau. Other career highlights include serving as the law instructor at the MNPd Training Academy and providing on-site legal advice to the SWAT Team and other department components during critical incidents and mass gatherings.

Chief Anderson holds a bachelor of science degree from Belmont University in Nashville and a doctor of jurisprudence degree from the Nashville School of Law. He is a member of the Nashville and Tennessee Bar Associations and is licensed to practice law in the local, state and federal courts. Prior to joining the Metropolitan Nashville Police Department, he served in the United States Air Force and was employed by the White County, Tennessee Sheriff's Office.

Police Agencies Are Adopting Elements of the “PERF 30” Guiding Principles

Some of the PERF 30 Guiding Principles have been implemented for years or even decades in police agencies across the United States. For example, Guiding Principle #8, calling for policies against shooting at moving vehicles, has been in effect in the New York City Police Department since 1972. More recently, a number of police agencies have adopted many other elements of the PERF 30. Following is a sampling of news stories over a recent 10-month period about these changes:

ArkansasOnline

Police shifting away from force, Little Rock data show

Arkansas Online, March 16, 2016

Little Rock police data show use-of-force incidents decreased a fourth straight year in 2015 as the department moved toward community-minded policies and training recommended by the federal government. Police Chief Kenton Buckner said the department has emphasized restraint and communication over physical force, in accordance with principles outlined by The President’s Task Force on 21st Century Policing. “We’re creating an environment and a culture that says we can be proactive, we can be assertive,” Buckner said. “But force is a last option if we’re put in a situation where we have an opportunity to de-escalate, to talk someone down or to use other methods to get them to comply with what we’re asking them to do.”

■ <http://www.arkansasonline.com/news/2016/mar/16/police-shifting-away-from-force-lr-data/?f=news-arkansas>



Lawmaker-approved plan to train Utah police on use-of-force

ABC News, March 15, 2016

A new program approved by Utah lawmakers creates a statewide center to train more police officers on how to defuse potentially deadly confrontations amid a national debate on police use of force. The training will include a 360-degree virtual-reality simulator to practice dealing with high-pressure situations and lessons from prosecutors who investigate officer-involved shootings.

■ <http://abcnews.go.com/Politics/wireStory/lawmaker-approved-plan-train-utah-police-force-37672955>



The Tamir Rice effect: Parma, Ohio police safely handle replica gun call in park

Cleveland.Com, Feb. 2016

Parma, OH police responded to a 9-1-1 call of two juveniles with guns at a park pavilion, in a situation

somewhat similar to the 2014 fatal shooting of 12-year-old Tamir Rice in Cleveland. The Parma incident ended differently, with officers taking the boys into custody without incident.

■ http://www.cleveland.com/metro/index.ssf/2016/02/the_tamir_rice_effect_parma_po.html#0



Words first: Massachusetts State Police recruits get training on calming tense situations

Telegram.com, February 23, 2016

When they graduate from the state police academy in April, 158 new Massachusetts troopers will be the first to have undergone a training program aimed at helping them defuse tense situations.

■ <http://www.telegram.com/article/20160222/NEWS/160229778>



San Francisco announces shift in police gun policy

SFGate, February 22, 2015

As San Francisco officials outlined a series of changes Monday designed to reduce police killings and rebuild community trust, they described a fundamental shift in tactics in which officers encountering knife-wielding suspects should focus on keeping their distance and de-escalating the situation. The package, announced by Police Chief Greg Suhr and Mayor Ed Lee at a City Hall news conference, includes more training and new weaponry as well as changes in philosophy.

■ <http://www.sfgate.com/bayarea/article/S-F-announces-shift-in-police-gun-policy-6847891.php>



Editorial: New use-of-force-policy a change in right direction

Albuquerque Journal, February 17, 2016

The Albuquerque Police Department is doing a much needed 180 in favor of de-escalation and minimum use of force as part of its efforts to comply with a court-ordered agreement with DOJ. New rules distributed in January call for officers to de-escalate situations by trying to

calm and give the suspect space instead of immediately turning to force. It says that except in active shooting situations, police should attempt to evaluate the suspect's mental health history, size and other factors, such as how many officers there are compared to suspects, when determining whether to use force. The new policy includes a statement that regardless of the legal standard for force, APD officers are expected to use the minimum amount needed to get the job done.

■ <http://www.abqjournal.com/725053/opinion/new-useofforcepolicy-a-change-in-right-direction.html>

The Salt Lake Tribune

Salt Lake City police chief shows City Council how he wants to de-escalate his way into fewer shooting deaths

The Salt Lake City Tribune, February 17, 2016

Communication and understanding a situation are key to de-escalation, [Salt Lake City Police Chief Mike Brown] said. That is why the department uses “scenario-based training.” Salt Lake City police soon will be using a new simulator that produces about 500 different scenarios. The council allocated funding for it last year. Slowing down potentially difficult encounters is important, Brown said. The chief added that if an officer has cover and can communicate, he can slow things down.

■ <http://www.sltrib.com/news/3545746-155/slc-police-chief-shows-city-council?fullpage=1>

The San Diego Union-Tribune

Teaching cops empathy to deter use of force

The San Diego Union-Tribune, February 12, 2016

A class being given to police officers in San Diego was lauded as an example of what departments need to do to better control the use of force. At the heart of the approach is emotional intelligence, basically, being self-aware and empathetic. The class, dubbed “Effective Interactions,” teaches new officers how to manage tense situations through communication.

■ <http://www.sandiegouniontribune.com/news/2016/feb/12/use-of-force-sdpd-training/>

NewsChannel 5 NETWORK

New style of police training aims to decrease violence in tense situations

News Channel 5, February 11, 2016

As officer-involved shootings have garnered scrutiny in the past few years, many police departments nationwide are re-thinking processes that have been in place for years. Many are paying close attention to the programs offered at the Washington State Criminal Justice Training Commission, and sending officers there to take a crash

course. During a mock scenario, police recruit Joel Garcia, trained in the “guardian” principle, approached a ‘suspect’ threatening suicide. Garcia reasoned with the man on an emotional level, by sharing a personal story about his cousin.

■ <http://www.newschannel5.com/news/national/new-style-of-police-training-aims-to-decrease-violence-in-tense-situations>

newstimes

Danbury, CT police officers train for crises

Newstimes, January 21, 2016

Just before midnight on July 5, a distraught Danbury man paced back and forth in his driveway, pointing a gun first at his head and then at police officers surrounding his home. He had told his mother earlier that he wanted the police to shoot him. An officer trained in crisis intervention was part of a team that talked to the 29-year-old for about an hour. The distressed man eventually put down the weapon, which turned out to be fake, and was arrested.

■ http://www.newstimes.com/news/article/Cops-and-crises-6762362.php?google_editors_picks=true

TUCSON NEWS NOW

Tucson Police Department Mental Health Team working to de-escalate dangerous situations

Tucson News Now, January 15, 2016

The Tucson Police Department's Mental Health Team is playing a large role in helping de-escalate dangerous situations involving mentally ill people. TPD officials said about a third of their calls involve someone who is mentally ill. “It's low and slow. We'll talk to the person as long as we need to. We try to ground them and orientate them,” Sgt. Jason Winsky said.

■ <http://www.tucsonnewsnow.com/story/30971466/tpd-mental-health-team-working-to-de-escalate-dangerous-situations>

WNYC

New York's Kindest

WNYC News, December 23, 2015

Citywide, the NYPD responds to so-called EDP [emotionally disturbed person] cases more than 300 times a day. They are both routine and unpredictable. In the worst cases, someone gets injured or dies. The training is meant to build empathy and compassion, and teach officers how to stay calm.

■ <http://www.wnyc.org/story/new-yorks-kindest/>



Camden Co. police train for dangerous encounters
ABC Action News, WPVI-TV, Philadelphia. December 18, 2015

Members of the Camden County Police Department are used to dealing with tense situations, and officers are now learning how to resolve encounters with suspects in a new way. The three-day training, which focuses on verbal de-escalation, self-defense and ethics, doesn't just stop after officers complete the course, but becomes part of everyday culture.

■ <http://6abc.com/1127128/>



Broadway & Mickel man with a knife incident

Camden County Police video. November 24, 2015

The Camden County, NJ Police Department has established an Ethical Protector culture wherein the sanctity of life is our highest priority. Once again, police officers put these principles into action. Responding officers were confronted and threatened by a man armed with a steak knife who had just threatened to kill a person. Officers safely de-escalated this situation. Everybody, including the armed and dangerous suspect, survived this potential deadly confrontation.

■ <https://www.youtube.com/watch?v=YtVUMT9P8iw>



Police restraint saves lives

Boston Globe, December 13, 2015

An ethos of de-escalation has been at the core of the Boston Police Department's training and tactics for the last five years. Complaints against officers for excessive force have dropped 62 percent during that period.

■ <http://www.bostonglobe.com/news/nation/2015/12/12/cullen/Fq3paOXrSqrYa1HD0k4VgK/story.html>



Man pointed knife at officers before capture, Boston police say

Boston Globe, December 8, 2015

Police were able to subdue a man with pepper spray at an East Boston apartment early Monday after he repeatedly menaced officers with a knife while demanding that officers shoot him, authorities said.

■ <https://www.bostonglobe.com/metro/2015/12/08/boston-police-capture-man-who-menaced-them-with-knife-and-demanded-that-police-shoot-him/dOdOYPtRH76bfNVdMVRaZM/story.html>



De-escalation of situations part of Worcester Police training as newer police tactics discussed nationwide

MassLive, November 27, 2015

As police officials from across the country examined police-involved shootings in the United States, they found training officers on de-escalation strategies and other tactics might help slow situations down. Many of these strategies, contained in a PERF report issued this year, have been implemented within the Worcester Police Department. "Are there situations where an officer can slow everything down?" said Deputy Chief Sean Fleming. "Instead of immediately arresting someone, can we look at slowing down the situation, calling for backup and talking to the person."

■ http://www.masslive.com/news/worcester/index.ssf/2015/11/de-escalation_of_situations_pa.html



Dallas police excessive-force complaints drop dramatically

The Dallas Morning News, November 17, 2015

Police Chief David Brown says a shift toward de-escalation is driving a sharp drop in excessive-force complaints against officers. Training instructors say they preach tactics that sometimes seem counter-intuitive to veteran officers: Slow down instead of rushing into a situation; don't approach a suspect immediately. Try to build a rapport; don't have multiple officers shout at once.

■ <http://www.dallasnews.com/news/crime/headlines/20151116-dallas-police-excessive-force-complaints-drop-dramatically.ece>



Denver monitor praises policy for firing at cars, urges enforcement

The Denver Post, October 28, 2015

One key revision [to the Denver Police Department's policy] prohibits officers from shooting at a moving vehicle unless deadly force is being used against the officer. A moving vehicle alone is not considered a weapon.... The independent monitor's review looked at policies used by 43 agencies across the country and recommendations released by the Department of Justice. Of those departments, 47 percent included specific guidelines on officer decision-making during encounters with suspects in vehicles.

■ http://www.denverpost.com/news/ci_29032884/denver-monitor-praises-policy-firing-at-cars-urges

USA TODAY

In face of criticism, police officials preaching de-escalation tactics

USA Today, October 7, 2015

As readily as police departments once snapped up surplus military gear, which bolstered a combat-ready presence on the street, law enforcement agencies are now embracing a collective strategy of de-escalation.... The rush of new training is all geared to slow encounters between officers and the public they police, which in the past year has prompted spasms of civil unrest and contributed to an erosion of public trust in local law enforcement across the country.

■ <http://www.usatoday.com/story/news/nation/2015/10/07/police-encounters-violent-baltimore-ferguson/72636622/>

The New York Times

Bratton, Tracking Police Use of Force, Aims to Stay Step Ahead of Watchdogs

The New York Times, October 1, 2015

NYPD Commissioner William Bratton said that reconstructing the rules on use of force and promising a systematic review of each instance of officers' use of force will help restore trust in the police, particularly among minorities, who have historically borne the brunt of aggressive tactics. "It is a very, very significant change," Mr. Bratton said. "Where we are going is where American policing is going to be going, that's the reality."

■ http://www.nytimes.com/2015/10/02/nyregion/bratton-tracking-police-use-of-force-aims-to-stay-step-ahead-of-watchdogs.html?_r=0



Actors, mentally ill aid NYC police training meant to calm

Yahoo News, September 13, 2015

Earlier this summer the NYPD launched a four-day program that will be incorporated into standard training and issued a requirement that officers take annual refresher courses, officials said. The department already has a small, highly-trained unit of officers for mental health cases, but the training is meant to give more cops a better chance at deescalating crisis situations.

■ <http://news.yahoo.com/actors-mentally-ill-aid-nyc-police-training-meant-153830732.html>



Maryland police chief commends officers after takedown goes viral

WTOP, September 7, 2015

A Maryland police chief is praising his officers after their takedown of a man believed to be under the influence

of PCP was recorded and posted online. "I commend the officers for exercising extreme restraint," said David Morris, chief of the Riverdale Park Police Department.

■ <http://wtop.com/prince-georges-county/2015/09/md-police-chief-commends-officers-after-takedown-goes-viral/>

The Seattle Times

Report: Force rare as Seattle police deal with about 10,000 mentally ill people a year

The Seattle Times, September 6, 2015

Of 2,464 "crisis" reports between May 15 and Aug. 15, less than 2 percent resulted in any use of force by police, and none of the cases resulted in use of deadly force, according to Seattle police.

■ <http://www.seattletimes.com/seattle-news/crime/spd-report-minimal-force-used-in-contacts-with-mentally-ill/>

The Columbus Dispatch

Ohio's deadly force standard for police states 'life is of the highest value'

The Columbus Dispatch, August 29, 2015

Ohio's first statewide standard on police use of deadly force counsels officers to consider the high-stakes consequences of pulling the trigger. Stating "the preservation of human life is of the highest value in the state of Ohio," the standard says police officers must use deadly force only to protect themselves and others from serious injury or death. Most police agencies have standards that meet or exceed the state language, but the measure "will raise the bar" for some smaller agencies without deadly force policies, said Ohio Public Safety Director John Born.

■ <http://www.dispatch.com/content/stories/local/2015/08/28/police-advisory-panel.html>



Op-Ed by Las Vegas Sheriff Joseph Lombardo: Management of the use of force is a key concern for police

The Las Vegas Sun, August 9, 2015

We want officers to take control of chaotic events, to handle conflict and protect lives, but in the same breath, we want officers to look to de-escalate situations by making sound decisions and employing tactics that are not flawed. We know that not every potentially violent conflict can be de-escalated, but we also have an understanding that officers have the ability to steer a threatening encounter toward to a more peaceful resolution.

■ <http://lasvegassun.com/news/2015/aug/09/proper-management-use-force-key-concern-metro-poli/>



Daytona Beach, FL police chief works to reduce use of deadly force

WFTV9, August 6, 2015

Chief Mike Chitwood told Channel 9 on Thursday he's working to cut down on the number of times his officers have to resort to deadly force, and his officers are now receiving special training. "We don't want them to put themselves in a situation where they have to use deadly force," he said. "We're trying to preach to them to use time and distance to their advantage."

■ <http://www.wftv.com/news/local/daytona-beach-police-chief-works-reduce-use-deadly/32068152>



Eugene, OR Police Chief pursues policy changes for veterans in mental crises

KVAL-13, Eugene, OR, August 6, 2015

Chief Pete Kerns promised to examine department policies and procedures and to implement a program designed to try and prevent situations where officers use deadly force against veterans experiencing a mental health crisis. It's modeled after a program used in Boise, ID.

■ <http://kval.com/news/local/police-chief-pursues-policy-changes-for-veterans-in-mental-crisis>



Why shooting by Syracuse cops wouldn't be allowed in Cleveland

Syracuse.com, July 28, 2015

Cleveland promised the U.S. Department of Justice that police wouldn't shoot at moving vehicles if no other lethal danger existed. New Orleans made a similar promise.

■ http://www.syracuse.com/crime/index.ssf/2015/07/why_syracuse.html



LAPD Focuses on Use of Force in New Training Series

KNBC, Los Angeles, July 13, 2015

Officers from LAPD's Topanga Division were among the first of the city's estimated 10,000 officers who will be required to participate in the 5-hour course for what the department calls "Preservation of Life Training" within the next 30 days.

■ <http://www.nbcalosangeles.com/news/local/LAPD-Focuses-on-Use-of-Force-in-New-Training-Series-314801891.html>



New style of policing works to defuse mental health crises

The Buffalo News, June 7, 2015

For the last few years in Erie County, NY, only Cheektowaga fully embraced the Crisis Intervention Team—or CIT—model. But other departments took notice, and now Orchard Park, Evans, the Town of Tonawanda, the City of Tonawanda and the University at Buffalo Police have teams.

■ <http://www.buffalonews.com/city-region/new-style-of-policing-works-to-defuse-mental-health-crisis-20150607>



Kansas City Police Take New Approach Toward Suspects

KCUR, May 22, 2015

The Kansas City Police Department has quietly changed its training for responding to volatile situations, arming officers with something other than a gun: distance, discretion and diplomacy.

■ <http://kcur.org/post/kansas-city-police-take-new-approach-toward-suspects#stream/0>



Demilitarizing the cops: States retool police training

The Denver Post, May 22, 2015

Washington State's academy has boosted the training hours devoted to handling people with drug or mental problems, and Blue Courage principles have been incorporated into firearms and defensive tactics classes. Recruits can fail a training exercise if they use force when it may have been avoidable.

■ http://www.denverpost.com/ci_28169469/demilitarizing-cops-states-retool-police-training



Op-Ed by Police Chief Chris Magnus: Richmond, CA police get extensive training in appropriate use of force

Contra Costa Times, May 16, 2015

The Richmond Police Department trains its officers to appropriately assess risk, develop crisis resolution strategies reflecting best practices, and demonstrate flexibility responding to critical incidents (including the ability to tactically reposition or "throttle back" certain actions to avoid encounters such as "suicide by cop").

■ http://www.contracostatimes.com/opinion/ci_28119426/guest-commentary-richmond-police-get-extensive-training-appropriate

PERF's Critical Decision-Making Model

FOR DECADES, SPECIALIZED POLICE TACTICAL UNITS SUCH AS SWAT have employed critical thinking and decision-making processes to guide their unique, often dangerous work. Prior to taking action, these teams typically take the time to collect and analyze information, assess risks and threats, consider contingencies, and then act and review. Most experienced SWAT members would consider it reckless to approach an assignment without first taking these steps.

As PERF explored training and tactics on use of force, one question kept coming up: **If this type of critical thinking process works for specialized tactical units, why can't it be used by patrol officers as well?** If patrol officers had a structured, easy-to-use decision-making process to follow, and could combine that with tactical concepts such as distance, cover, and time, they could more effectively and safely resolve many types of critical incidents.

Other Decision-Making Models

For several years, police personnel in England, Scotland, Northern Ireland, and Wales have utilized the National Decision Model (NDM), a five-stage process that revolves around the police code of ethics. In the UK, police officers use the NDM when responding to unplanned incidents and also when planning operations that are known ahead of time, such as the handling of a major sporting event. The National Decision Model is employed by individual officers and teams, and it applies to both operational and non-operational situations. In fact, some of the early applications of the NDM were in support of police budgeting and administrative decisions.

During the PERF-led field visit to Scotland in November 2015, officials from 23 U.S. police agencies learned more about the NDM and observed training scenarios in which the NDM was used. Overall, the U.S. delegation was impressed with the NDM's depth and simplicity. To members of Police Scotland, the NDM has become second-nature. From recruits up to the Chief Constable, personnel understand the model and can readily explain its purpose and implementation in clear and straightforward terms. And police officers in

the UK use the NDM in hundreds of incidents every day—both serious and minor—to *support sound and accountable decision making*.

PERF researchers also examined other decision-making models. One of them is the OODA Loop (Observe, Orient, Decide, Act), which was developed in the 1950s by a U.S. Air Force Colonel named John Boyd. Like the NDM and other models, it is a recurring cycle that users work through as new information is observed and circumstances change. Although it was initially applied to decision-making in military combat operations, the OODA Loop over the years has been used in business, legal, and other professions. Some police agencies have applied the OODA Loop as well.

Why Adopt the Critical Decision-Making Model?

PERF’s 30 Guiding Principles recommend that police agencies adopt a decision-making framework for use during critical incidents and other tactical situations, and then train officers in how to use that framework. This section of the report presents the Critical Decision-Making Model (CDM) as a preferred framework that agencies can adopt.

The CDM is based largely on the UK’s National Decision Model and concepts from other models. Like the NDM, the CDM is a logical, straightforward, and ethically based thought process that is intended to help U.S. police officers manage a range of incidents effectively and safely. And while the CDM can be employed in a wide range of events, PERF believes it will be especially valuable in helping officers manage those critical incidents we are trying to impact the most—i.e., situations involving subjects who either are unarmed or have an edged weapon, rock, or similar weapon, as well as incidents involving persons who are experiencing a mental health crisis or who are behaving erratically because of a developmental disability, a mental condition such as autism, substance abuse, or other conditions.

Elements of the CDM

The Critical Decision-Making Model is a five-step critical thinking process. All five steps are built around the core values of the department and the policing profession.

CDM Core

At the center of the CDM is an ethical core that provides grounding and guidance for the entire process. The four elements of the CDM core are:

- Police ethics
- Agency values
- Concept of proportionality (Guiding Principle #3)
- Sanctity of all human life (Guiding Principle #1).

Critical Decision-Making Model



Every step of the process is connected to this core, and the core informs and guides officers throughout the five steps. Everything an officer does within the CDM must support the ideals in the center, and no action can go against those standards.

Step 1 Collect Information

The logical first step in the process is for officers to gather information and intelligence, a process that begins as officers are heading toward the incident. During this step, officers ask themselves and others, including Dispatch personnel, a series of key questions.

It is important to remember that while the collection of information represents the beginning of the process, it is not a one-time activity in the CDM. Information gathering is ongoing, and new information is collected continuously to help inform the other steps in the process.

Officers should ask themselves ...

- What do I know so far about this incident?
- What else do I need to know?
- What do my training and experience tell me about this type of incident?

Officers should query others (dispatchers, fellow officers, supervisors, computer networks) ...

- What more can you tell me about *this incident*? For example:
 - Circumstances that prompted the call
 - Individuals on the scene, the physical environment
 - Presence of weapons
 - Presence of bystanders, including children
 - Mental health/substance abuse issues
- What more can you tell me about *previous incidents* involving this location or the person or persons who are involved?

Step 2 Assess Situation, Threat and Risks

This step typically begins as officers are responding to the incident and are evaluating what they are being told by dispatchers or others. That is the time when officers begin considering “what if?” scenarios in their minds. The assessment step shifts into high gear as officers arrive on scene and can visually begin to gauge threats and risks. During this step:

Officers should ask themselves ...

- Do I need to take immediate action?
- What is the threat/risk, if any?
- What more information do I need?
- What could go wrong, and how serious would the harm be?
- Am I trained and equipped to handle this situation by myself?
- Does this situation require a supervisory response to provide additional planning and coordination?
- Do I need additional police resources (e.g., other less-lethal weaponry, specialized equipment, other units, officers specially trained in mental health issues)?
- Is this a situation for the police to handle alone, or should other agencies/resources be involved?

Officers should also request that others ...

- Provide additional information, as needed.
- Respond to the scene, as needed.
- Provide the additional equipment or resources needed.

The first question in this step is noteworthy: “Do I need to take immediate action?” The CDM does not prevent or restrict officers from taking immediate action if that is what the circumstances dictate. In these

>> *continued on page 84*

How Nassau County PD Is Using The Critical Decision-Making Model

By Inspector Ronald Walsh

All police officers think and react based on their training and experience. However, very few police academies train officers to “think” as a specific learning objective. Through the leadership of Commissioner Thomas Krumpter, that is exactly what the Nassau County Police Department (NCPD) has started doing.

The NCPD Police Academy has implemented a customized version of the Critical Decision-Making Model as part of our commitment to continual improvement. Our model is designed as a wheel. In the center are our department’s mission, vision, values and ethics—the foundational principles that all decisions are based on, especially those concerning the use of force. On the perimeter are the five categories or steps that each officer works through when making a decision.



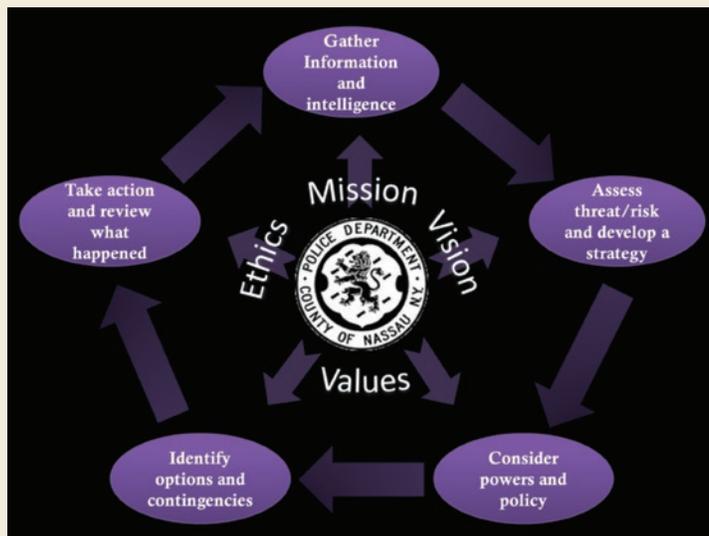
We still teach a comprehensive curriculum in law and U.S. Supreme Court and other critical court decisions. But we have added the Decision Making Model as a way to systematize the pragmatic approach we already take to our training. The model is a framework for making decisions and for assessing and judging those decisions. Did an officer make the right choice, and could or should improvements be made?

While still new, the model is already proving beneficial. Recruits are displaying a better understanding of their training and are able to more fully articulate their thoughts and actions. They can identify where they need additional support, since they can now quickly determine on which step they “get stuck” on the wheel. One recruit, during role play, recently stated:

“I knew where I was stuck on the model, but I resisted changing my approach. I realized I should have moved on and de-escalated by letting my partner step in when what I was doing was just not working!”

Initially some officers and trainers were concerned that the model may “slow down the decision making process” and cause officers to think too much before acting, taking up valuable time in critical situations. In my mind, the best analogy to explain how the Model works is to compare its use to driving a car. The first time drivers get behind the wheel, they have absolutely no idea how to drive. They press too hard on the gas pedal, break unevenly, and the like. It takes time to get to the point where driving is automatic.

Now, try to remember your drive to work this morning. I bet you have no conscious memory of pulling from the curb or pressing the brake pedal to stop. And if you were having a conversation or listening to the radio, you probably made it to work having no idea, at least consciously, how you got there!



The difference between these two processes is simple. When you first learn to drive a car, everything requires a conscious effort, purposeful thinking, and energy. Now, when you drive a car, over 90 percent of the process has been taken over by your subconscious brain—it's automatic. Conscious thought takes energy and time; subconscious thinking is very quick. Your brain is constantly looking to automate as much as possible. Your brain remembers each experience, and if it's repeated often, your brain will begin to automate and move the task and its response to the subconscious.

By training officers to use the Decision Making Model, processes will become subconscious to the point that officers are able to gather intel, assess a threat, recognize policy and legal considerations, choose among a plethora of responses, and adjust their actions in the blink of an eye. Learning how to systematically think and then recall what actions we took and why, gives us the opportunity to improve our responses and to make better decisions.

A 24-year veteran of the Nassau County, NY Police Department, Ronald Walsh is the commanding officer of the Nassau County Police Academy.

continued from page 82

situations, officers would “spin” through the rest of the model in a matter of seconds, determine the best course of action, and then act immediately.

For example, in active shooter situations, many American police agencies have policies directing the first officers at the scene to respond as quickly as possible to stop the threat. Some departments have policies that allow a single officer to move to stop the threat without waiting for any additional officers to arrive. Other departments have policies requiring officers to wait until a minimum number of officers can form a “contact team” to stop the shooter. Other agencies call for the creation of a contact team, often made up of four officers, but also specify that fewer officers may respond immediately if it is apparent that a full contact team cannot be assembled quickly.⁷² These are the types of factors that officers would quickly consider under the CDM in responding to this type of emergency.

However, if the answer to this question is, “No, I do not need to take immediate action,” then officers can go through the CDM at a more deliberate pace. The CDM can be “spun” as quickly or as deliberately as circumstance dictate, and officers can always take immediate action if that is appropriate.

Step 3

Consider Police Powers and Agency Policy

This step represents an important self-check of officers' authority to take action. In addition to considering their legal authority to act, officers must think about what their agencies' policies say about the situation.

For example, a police agency's policy may place restrictions, beyond what is allowed by law, on shooting at vehicles, engaging in vehicle or foot pursuits,

72. See *The Police Response to Active Shooter Incidents*. Police Executive Research Forum, 2014. Pages 8–15. http://www.policeforum.org/assets/docs/Critical_Issues_Series/the%20police%20response%20to%20active%20shooter%20incidents%202014.pdf

or using less-lethal options in certain situations. These internal policies must be considered at this stage, before specific options are identified and actions taken. During this step:

Officers should ask themselves ...

- What legal powers do I have to take action?
- What agency policies control my response?
- Are there other issues I should think about? (e.g., jurisdictional or mutual aid considerations—Am I authorized to take action *here*?)

Step 4

Identify Options and Determine the Best Course of Action

Using the information and assessment from earlier steps, officers now begin to narrow their options and determine the best course of action. Again, part of this step is to determine if the officers have enough information and resources, and a compelling interest, to act right away. Or should they hold off, possibly to get even more information and resources? During this step:

Officers should ask themselves ...

- What am I trying to achieve?
- What options are open to me?
- What contingencies must I consider if I choose a particular option?
- How might the subject respond if I choose a particular option?
- Is there a compelling reason to act now, or can I wait?
- Do I have the information and resources I need to act now?

Then, officers should select the best course of action, keeping in mind ...

- The greatest likelihood of success and the least potential for harm.
- How proportional the response will be, given the risk/threats posed by the subject and the totality of the circumstances.
- The safety of the public, officer safety, and the sanctity of all life.

Step 5

Act, Review and Reassess

In this step, officers execute the plan, evaluate the impact, and determine what more, if anything, they need to do.

Officers should execute the plan, then ask themselves ...

- Did I achieve the desired outcome?
- Is there anything more I need to consider?
- What lessons did I learn?

If the incident is not resolved, then officers should begin the Critical Decision-Making Model again, starting with the collection of additional information and intelligence.

Benefits of the Critical Decision-Making Model

The thought processes embedded in the CDM are not very different from what many police officers already do on a daily basis. The CDM is certainly in line with how specialized tactical units are trained to approach their assignments. And it likely reflects the activities of many patrol officers, whether consciously or by instinct, when responding to calls for service or engaging in proactive policing.

What is new and different about the CDM is that it offers a *structure* for working through a series of steps that officers may already be following and questions they are probably asking already. This structure helps to ensure that each critical step is followed and that all key questions are asked along the way.

The Palm Beach County, FL Sheriff’s Office has implemented a concept called the “Tactical Pause,” which incorporates some of the elements of the CDM, such as slowing down the police response in certain types of incidents and taking time to carefully evaluate possible actions (see page 55).

Useful in Everyday Situations and Complex, High-Risk Incidents

By practicing the CDM in everyday situations, officers become more fluent in asking questions and formulating effective plans for their responses to a variety of situations. These skills are critically important when the officers are called on to respond to especially difficult, complex, or high-risk incidents. Officers who have used decision models speak of developing “muscle memory” in making critical decisions through everyday practice.

The CDM provides operational support for many of the key concepts articulated in PERF’s 30 Guiding Principles—for example, using distance and cover to create time, applying de-escalation strategies, considering the proportionality of police actions, and handling individuals experiencing mental health crises. The CDM will help police officers put these concepts into action by providing them with a logical thought process for managing challenging situations.

The CDM offers an alternative to officers who in the past have been trained to immediately “move in and take control,” even when those responses are not appropriate or safe given the circumstances.

A Framework for Explaining Actions After the Fact

In addition, the CDM gives officers a framework for *explaining* the thought process behind their actions *after the fact*, such as when they testify in court or provide statements to investigators. The experience in the UK has demonstrated that the NDM can be quite valuable in helping officers describe and

explain their actions, which lends credibility to their testimony. Officials report that officers routinely use the NDM as the outline for articulating their actions and decisions (“I first collected information by asking the following questions. Then I assessed the threat and risk by asking these questions....”).

The CDM should have similar benefits in the United States by providing officers with a detailed and logical mechanism for explaining their actions and decisions beyond the boilerplate language that is often found in police reports today.

For the CDM to be effective and beneficial, agencies must commit to thoroughly training their personnel on it. Scenario-based exercises should be coupled with the CDM. Officers who complete a particular scenario should then be asked to explain their actions in the context of the five-step CDM process.

Lessons Learned From Police Scotland

PERF HAS ENJOYED A STRONG RELATIONSHIP WITH POLICE OFFICIALS in the United Kingdom for many years. PERF has led delegations to a number of UK police agencies, and the leaders of those agencies have come to the United States to participate in PERF conferences. These exchanges have promoted the sharing of ideas and best practices among police agencies in our respective countries.

In recent years, PERF has developed a particularly close bond with Police Scotland. Police Scotland is a unique agency. It was established in April 2013 by consolidating eight regional police forces and some specialized services into a single national police agency. Sir Stephen House, former Chief Constable of the Strathclyde Police, became the first Chief Constable of Police Scotland, a position he held for more than three years. The formation of Police Scotland provided an opportunity for other police executives to witness a police force being built from the ground up, including the implications for organization and administration, policy, training, and operations.

In 2014, as PERF began focusing on police use-of-force issues in the United States, Police Scotland provided an important international perspective. That year, members of the PERF Board of Directors and PERF Executive Director Chuck Wexler visited Scotland as part of an executive development program to strengthen the leadership qualities of senior government officials.

“How do you deal with people with knives when you don’t have a gun?”

During that visit, the PERF delegation had the opportunity to attend the Oath of Office ceremony for new members of Police Scotland. After the ceremony, as Wexler was talking with the new constables and their trainers, he noticed that none of the officers was carrying a firearm. In fact, only about 2 percent of the approximately 17,200 members of Police Scotland carry firearms, and those officers are part of specially designated units that respond only to the most critical incidents with the most significant threats.

Knowing that Scotland does not have a gun violence problem like the

Police Scotland Assistant Chief Constable Bernard Higgins:

*Tactical Relocation Is Not Walking Away;
It's Creating a Safe Zone*

When we talk about tactical relocation, that's not walking away. That's creating a "safe zone" for us to deal with something.

So the notion that we wouldn't deal with someone with a knife because we have unarmed officers is not the case. We use good decision-making skills, communications, creating a safe zone. And depending on the situation, the behavioral indicators the person is displaying will dictate what the officer does next. Specialist officers may come in later.

But for the general patrol officers, there is an absolute expectation that they will be able to make that assessment and deal with that threat of a knife.



About Police Scotland

Police Scotland was formally established in April 2013 through the consolidation of eight regional police agencies and some specialized services. As the country's national police force, Police Scotland has approximately 17,200 sworn officers serving a population of just under 5.5 million people spanning approximately 30,200 square miles. Police Scotland is the second largest force in the United Kingdom after the Metropolitan Police Service of London. The agency responds to approximately 4.2 million emergency and non-emergency calls for service each year. The agency's annual operating budget is approximately 1.1 billion English pounds (about \$1.6 billion).

Police Scotland is led by a Chief Constable who is supported by a command team of Deputy Chief Constables, Assistant Chief Constables, and Directors, who manage the agency's sworn police officers, as well as 5,600 police staff (civilian employees), and close to 1,000 special constables (part-time volunteers). Sir Stephen House, formerly Chief Constable of the Strathclyde Police (one of the legacy agencies that was consolidated into Police Scotland), was sworn in as the first Chief Constable of Police Scotland in October 2012. He oversaw the original consolidation, and served as Chief Constable for more than three years. In January 2016, Phil Gormley, a 30-year veteran of policing in the UK, became the second Chief Constable of Police Scotland.

Although a national police force, Police Scotland is organized around and committed to the principles of community-based policing. There are 14 local policing divisions, each led by a Local Police Commander who is responsible for ensuring that policing meets the needs of the public in that particular geographic area. Each local division includes response officers, community officers, crime investigators, and road policing, among other functions. Supporting these local policing divisions are a number of national specialized divisions, including major and organized crime, counter-terrorism, intelligence, and air, marine, and mounted support.

Police Scotland prides itself on being a values-driven organization. Its purpose is to "improve the safety and well-being of people, places and communities in Scotland." The agency's focus is expressed in the simple statement, "Keeping people safe." Its core values are integrity, fairness, respect, and human rights. Police Scotland leaders emphasize that the organization's values are communicated and reinforced from the time individuals pick up an application until the day they leave the force. Members need to exude the personality traits and values of the organization from the very beginning, and Police Scotland invests time and effort in recruiting people who have those traits and reflect the values.

United States does, but that knives are prevalent in urban areas such as Glasgow and Edinburgh, Wexler asked one of the young constables, “How do you deal with people with knives when you don’t have a gun?” The officer replied that he was trained to use the tools that all constables are provided with: communications skills, tactical defense skills, a baton, chemical spray, and handcuffs. In addition, Wexler learned that police in Scotland and throughout the United Kingdom are trained in a National Decision Model that helps officers assess risks and threats, and manage a wide range of incidents—including edged weapon incidents—in a structured and safe manner.

As PERF began to research in depth the police response to persons who are unarmed or who are armed with a weapon other than a firearm, the examination included a closer look at the training, tactics, and equipment that members of Police Scotland use in these same types of situations. This section of the report describes that process in detail.

Police Scotland at PERF’s Re-Engineering Meeting

On May 7, 2015, PERF convened a meeting in Washington, D.C., of approximately 300 police chiefs and other law enforcement executives, federal government officials, academic experts, and others to share their views on new approaches to police use-of-force training. Because police in the UK have achieved great success in reducing the use of deadly force, especially in situations involving persons with mental illness wielding a knife or other non-firearm weapon, PERF invited two UK police officials—Chief Inspector Robert Pell of the Greater Manchester Police and Assistant Chief Constable Bernard Higgins of Police Scotland—to participate in the conference.

Both officials described the training, tactics, and less-lethal equipment that members of their agencies use when handling critical incidents that involve combative individuals armed with knives, baseball bats, or other non-firearm weapons. As in Police Scotland, only about 3 percent of officers in the Greater Manchester Police have firearms, and about 6 percent have Electronic Control Weapons. Chief Inspector Pell and Assistant Chief Constable Higgins also described the National Decision Model and how their officers use the model every day in a wide range of incidents to assess threats and risks, consider options, and develop action plans.

To the surprise of some of their U.S. counterparts, both men made it clear that in their agencies, general patrol officers—typically equipped only with a baton, chemical spray, and handcuffs—would be expected to deal with the threat of a knife-wielding subject, primarily through de-escalation and tactical approaches, and without calling in specially trained Public Order officers or Firearms officers unless the threat escalated.

While many of the officials who participated in PERF’s Re-Engineering Training conference expressed interest in how police in the UK handle edged weapon incidents, some were skeptical about how the UK experience might apply to police in the United States. They said that because police in England and Scotland do not face the same threat of offenders with firearms that U.S. police officers do, what American police could learn from the UK would be limited.

UK officials acknowledged that they do not face the same threats from

Sir Stephen House, Former Chief Constable, Police Scotland:

*We Rarely Have Police Shootings in Scotland,
But We Have Many Encounters with Persons with Knives*

On March 12, 2016, Police Scotland officers shot and injured a man who had barricaded himself in a building and fired a crossbow at officers. According to the BBC, “It was thought to be the first time officers have used their guns in a real-life situation since the formation of Police Scotland on 1st April 2013.”⁷³

Before Police Scotland was formed through the merger of eight regional police forces, Scottish police agencies reportedly had two officer-involved shootings over the course of the prior decade.

Sir Stephen House, who served as Chief Constable of Police Scotland until December 2015, addressed a group of American police officials convened by PERF in Washington, D.C. on January 12, 2016:

The first thing I think about when I speak to a group is, “What’s the audience thinking?” And I guess what you may be thinking is, “Why are these Scottish guys here? Scotland is very different from the United States.” And that is of course correct. Scotland is a small country, the population is only five and a half million. And Scotland does not have the gun culture that is found in the United States. So this might make you say, “Well, it’s interesting to listen to these guys, but they have nothing to tell us.” With respect to everybody here in the room, we disagree with that.

Upfront, we are not talking about “cop with gun and suspect with gun.” That is not an area that we are very familiar with, because of our lack of gun culture. We are here to talk about subjects who may have knives or other weapons, but not firearms.

You’ve all seen the video clips of these incidents. These are one-on-one situations. You have a person who is emotionally or mentally disturbed or alcohol or drug-impaired, who has an edged weapon. **What’s the difference between that man in Denver or Washington, D.C. and that person on the streets of Glasgow, the streets of Edinburgh, the streets of London? We are talking about primarily unarmed cops in the UK, and they’re dealing with the same situations that you do on a one-on-one basis. And where we come from, often the outcome is very different.**

At the start of a shift, our officers will get the same messages yours do, which is that it’s important that we all go home at the end of the shift. But perhaps the difference is that it’s not just a legal issue for us. We have to answer a lot of questions: Was the use of force proportionate? Was it necessary? Can I account for it? And most importantly, was my use of force in that incident ethical? This is ingrained in our training.

Sir Stephen House’s policing career in the United Kingdom spans 35 years. He started in the Sussex Police in 1981. For the next 17 years, he served in uniform operational posts in that force and also on transfer in Northamptonshire Police and West Yorkshire Police. In 1998, he joined Staffordshire Police as an Assistant Chief Constable, where he oversaw territorial policing and later, crime and operations. In 2001, he joined the Metropolitan Police Service of London as a Deputy Assistant Commissioner. Four years later, he was promoted to Assistant Commissioner in charge of central operations and then specialist crime. In 2007, he took up post as Chief Constable of the Strathclyde Police. Five year later, in October 2012, he was appointed the first Chief Constable of Police Scotland, overseeing the creation, administration, and operations of the UK’s second largest police force. He held that position until December 2015.

Sir Stephen was educated at Aberdeen University. In 2005, he was awarded the Queen’s Police Medal, and in June 2013, he was knighted in the Queen’s Birthday Honours in recognition for his services to law and order.



73. “Police shooting of man to be investigated by the PIRC.” BBC News, March 13, 2016. <http://www.bbc.com/news/uk-scotland-glasgow-west-35797281>

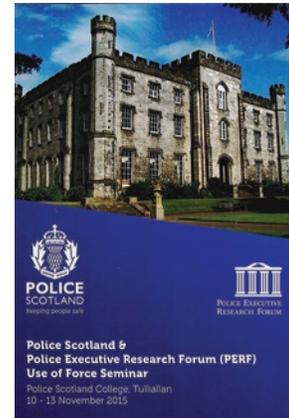
criminals with firearms as do officers in the United States. But they also pointed out that a person with a knife in Glasgow or Manchester is just as dangerous as a person with a knife in an American city.

In fact, Glasgow for years was known as the “knife capital of Europe” and had one of the highest murder rates, with most of those crimes committed with edged weapons. Significantly, the murder rate in Glasgow has been reduced by more than 50 percent over the past decade, thanks to innovative enforcement and prevention programs,⁷⁴ but the “knife culture” remains strong there and in other parts of Scotland.

U.S. Police Officials Observe Training in Police Scotland

In November 2015, PERF organized a field visit to Scotland for American police executives representing 23 local and federal law enforcement agencies. This four-day program at Police Scotland’s College at Tulliallan Castle provided U.S. officials with demonstrations of the specific training and tactics that Police Scotland uses for a range of critical incidents, with a special focus on offenders with edged weapons, baseball bats, and similar threats.

The U.S. delegation had the opportunity to interact with members at all ranks of Police Scotland and the College—from Chief Constable Stephen House and some of his top executives, to College managers, instructors, and



Agencies That Were Part of U.S. Delegation to Police Scotland

- Anne Arundel County, MD Police Department
- Baltimore Police Department
- Baltimore County, MD Police Department
- Boston Police Department
- Brookline, MA Police Department
- U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Chicago Police Department
- Daytona Beach, FL Police Department
- Denver Police Department
- Fairfax County, VA Police Department
- Federal Law Enforcement Training Centers
- Houston Police Department
- Los Angeles Police Department
- Miami Beach, FL Police Department
- Metropolitan Nashville Police Department
- Metropolitan Police Department of Washington, DC
- Montgomery County, MD Police Department
- New York City Police Department
- Phoenix Police Department
- Prince George’s County, MD Police Department
- Prince William County, VA Police Department
- Richmond, CA Police Department
- United States Border Patrol

74. “Glasgow smiles: how the city halved its murders by ‘caring people into change,’” The Guardian, April 6, 2015: <http://www.theguardian.com/uk-news/2015/apr/06/glasgow-murder-rate-knife-gang-crime-police>.

trainees themselves. The U.S. police officials were able to see and understand what Police Scotland does with respect to use of force, and to discuss and debate its applicability to policing in the United States.

As Assistant Chief Constable Bernard Higgins noted during his welcome to the U.S. delegation, “Policing doesn’t know borders, and Police Scotland is not *the* model. But there are commonalities that we can learn from one another, because we share the same goals: to protect and serve, to keep people safe, and to go after those who intend to do the most harm.”

Following is a summary of the sessions at this training conference:

Day 1: Welcome and Orientation

The first day included an orientation to Police Scotland, the College, and the next three days of the training program. Sir Stephen House, the Chief Constable, welcomed the delegates, emphasizing that the purpose of the program was not for Police Scotland to “teach” the U.S. officials how to do their jobs. He noted that when it comes to preventing and investigating violent crime, especially gun crime, U.S. law enforcement agencies are among the most experienced and knowledgeable in the world.

He said the program was designed to be a collaborative learning and professional development experience for everyone. He hoped that members of the U.S. delegation would leave with new ideas on how to deal with edged-weapon offenders and other challenges.

Day 2: The National Decision Model, Use of Force, and Tactical Communications

The second day focused on tactics and communications for handling subjects who are unarmed or have weapons such as a knife or baseball bat. The sessions included classroom discussions and observation of scenario-based training exercises.

Minimum force to achieve a lawful purpose

Police Scotland officials emphasized that any use of force in Scotland is governed by the following standard:

“Police officers have a duty to use the minimum amount of force to achieve a lawful purpose.”

Officials noted that today’s standard is, in many ways, an updated version of the principle that British statesman Sir Robert Peel expressed back in 1829:

“Police use physical force to the extent necessary to secure observance of the law and to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.”

>> continued on page 95

For Insight into Today’s Use-of-Force Issues, Look Back Two Centuries to Sir Robert Peel

In reflecting on the issues surrounding today’s debate on police use of force, Robert Olson, a past president of PERF with four decades of policing experience in the United States and Ireland, suggests that law enforcement leaders look to the past for some guidance—specifically to Sir Robert Peel’s principles of policing.

By Robert K. Olson

Early in the 19th Century, Sir Robert Peel was credited with outlining nine basic principles of policing that guided the newly created Metropolitan Police Service of London. Nearly two centuries later, Peel’s principles would become the foundation for the development of modern-day community-oriented policing in the United States and around the world.

Two of Peel’s principles are particularly relevant to the current issues being raised in the United States around police use of force:

Principle #4: To recognize always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.

Principle #6: To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.



When Things Go Wrong, Officers Unfairly Get Blamed

These principles are simply stated, but complex in how they are institutionalized in modern American police culture and its thousands of large and small policing organizations that serve increasingly diverse populations. Within those state, county and local departments, come many examples—both good and poor—of leadership, governance, intrusive supervision, operational policies, training, and public oversight.

As a result, when things go wrong, it is often the individual police officer, who had nothing to do with the development of the policies, training, and management oversight, who is pilloried for unfortunate incidents that serve to reinforce negative stereotypes of the policing profession.

No honest police officer starts the day with the intention to physically harm another human being. Officers know that the profession they have chosen is a dangerous one, and they must be made aware of and accept the risks involved. Police leaders have an obligation to provide their officers with the tools, skills, and support they need to be prepared for and deal with that danger, while at the same time protecting themselves, the citizens they serve, and even the suspected offenders they arrest from physical harm.

But recent history and heightened national media attention have demonstrated that it doesn’t always happen that way. American policing is facing serious challenges on the often tragic outcomes of its use-of-force policies, training, and tactics. This is undermining the public’s support of the police and its perception of procedural justice and police legitimacy.

A Safer Policing Environment for Residents and Officers

PERF’s 30 Guiding Principles on police use of force closely reflect Sir Robert Peel’s thinking on this topic. If accepted and implemented, the PERF 30 will raise the standard for use of force by the police from being just “objectively reasonable” to a more holistic, comprehensive approach that recognizes the sanctity of life for victims and perpetrators, who, in America, are innocent until proven guilty. Nationwide implementation will

result in a safer policing environment for residents and officers alike, and will ultimately lead to a higher level of community confidence in their police services.

Recent incidents in Ferguson, Cleveland, Chicago, North Charleston, San Francisco, and other communities should serve as wake-up calls for America's police leaders to take a fresh look at Sir Robert Peel's principles. Maybe then American policing can fully realize what is perhaps his most foundational principle of all:

Principle #7: To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

Robert K. Olson started his career with the Omaha, Nebraska Police Department, rising to the rank of Deputy Chief of Police. He went on to serve as chief executive of three police agencies: Corpus Christi, Texas; Yonkers, New York; and Minneapolis, where he served as Chief of Police for nine years before retiring in 2004. A past president of PERF and long-time member of the Major Cities Chiefs Association, Olson is currently the chief inspector of the Garda Siochana Inspectorate in Dublin, Ireland.

continued from page 93

Police Scotland uses the acronym “PLANE” as a test of whether an officer's use of force is reasonable and meets the standard of what is expected. PLANE stands for:

- **Proportionate.** The action must be proportionate given all of the circumstances; the action is not proportionate if a less injurious alternative existed to meet the same lawful objective.
- **Lawful.** There must be a legal basis for taking action.
- **Accountable.** Officers must be able to explain why they chose a particular option (justification), as well as what other options were available and why those were not chosen (preclusion).
- **Necessary.** The action must be required to carry out an officer's lawful duty, absent another tactical option.
- **Ethical.** The action must reflect the values of Police Scotland: fairness, integrity, respect, and human rights.

Like the National Decision Model, the PLANE acronym is not simply a slogan in Police Scotland. Rather, PLANE is a reasonableness test that officers are trained in and use on a regular basis. It is second-nature to members of Police Scotland, and something that officers know they will be expected to explain and account for.

Officer safety training

Sergeant James Young, a 20-year police veteran, is the National Lead Coordinator for Officer Safety Training for Police Scotland. He described in detail for the U.S. delegation how Police Scotland delivers officer safety training. He emphasized that all operational skills training is provided within the framework of the National Decision Model; training on the NDM and on officer safety are integrated.

All new officers in the Police Scotland College receive 40 hours of officer safety training. Then, once a year, all officers must complete eight hours of retraining on officer safety. Unless an officer completes the required annual recertification, he or she cannot return to duty.

Because only a small percentage of officers carry firearms, the officer safety training focuses on areas such as tactical communications, tactical positioning, teamwork, and de-escalation. Sergeant Young said that in the past, Police Scotland focused much of its officer safety training on techniques, as opposed to tactics. More recently, the agency has shifted its training focus to tactics and decision making, as described below:

Tactical communications

Sergeant Young described how communication is always considered to be the first option to achieve control of a situation and is used throughout any encounter. He said communication is important not only to de-escalate already tense encounters, but also to prevent situations from escalating in the first place.

In Police Scotland, officers are taught a five-step Positive Style of Tactical Communications. Sergeant Young explained the model in the context of a person with a knife scenario.

1. Ethical appeal

Ask—most people will respond to a direct request from an officer.

In a person with a knife scenario, to make their position clear, officers would ask the subject to drop the weapon. This would be done using a low clear tone and “please” and “thank you.” Officers are taught to repeat this request no more than three times.

2. Reasonable appeal and explanation

Explain the reason for the request, what law has been broken, and what conduct caused the request.

Alongside open-ended questions and basic negotiation skills, officers would explain the reason for the request to drop the weapon. Officers would try to explain that possession of a knife and the subject’s behavior is a criminal offense and that persons have been concerned enough to contact the police.

3. Personal appeal and explanation

Explain to the subject what they can expect to gain or lose, for example in terms of time, money, reputation, or family. Options can also be created for them.

Again, alongside basic negotiation skills (which may have to incorporate reacting to the subject), officers would bring in what the subject has to lose. This could include phrases such as, “What will your family think?” and “If you go to jail for longer, you won’t see your family or friends.” Here officers make requests and conversation personal to the subject. Care is taken not to mention certain issues that the subject may have already mentioned that may cause anger (e.g., loss of a family member).

4. Practical appeal and explanation

Inform the subject what is required of them. Officers would not use the term “comply” but rather “cooperate,” as this serves to demonstrate working together toward a resolution.

This is a last resort and should only be used when persuasion and negotiations have failed. Here officers are confirming that the subject will not drop the knife. The phrase, “Is there anything I can reasonably do or say to make you cooperate with me?” is very useful, especially if said loudly enough for the public to hear. This phrase can send the signal that this may be the last line of dialogue before taking physical action.

5. Action

A physical force option. This is a necessity because of the subject’s continued or escalating resistance. Officers should choose a force option based on their perception of the resistance offered and other impact factors.

Officers would only use a physical force option if the subject’s behavior escalated or there was an immediate threat to life or safety. That force option would have to meet the PLANE test of reasonableness, meaning the actions would have to be proportionate, lawful, accountable, necessary, and ethical. Otherwise, officers would continue to engage in tactical communications with the subject.

De-escalation: In conjunction with their tactical communications training, Police Scotland officers are trained in other de-escalation tactics. These include identifying danger signs early on (presence of weapons, signs of mental instability, etc.), approaching the subject calmly, and not mirroring the subject’s aggression with aggression of their own.

De-escalation also involves keeping a low voice and an even tone whenever possible, asking open-ended questions, and *listening carefully to the answers*. By asking questions and paying attention to the answers, officers may obtain key information about the subject and the situation that provides a way to resolve the incident. For example, an officer may be able to ascertain whether a person experiencing a mental health crisis has stopped taking medication. Engaging in a conversation with the subject also can give officers opportunities to make a personal connection with the subject, which can build trust and further support de-escalation. Finally, officers are trained to avoid making threats or sounding defensive or sarcastic.

Tactical positioning: How and where officers position themselves is a major element of officer safety training. Police Scotland officials are trained in the concept of a “reaction gap,” or maintaining a minimum space of 4-6 feet from the subject, more if the circumstances dictate (such as the presence of weapon).

Tactical positioning emphasizes maintaining one “contact officer,” who focuses on communications and negotiations, and one “cover officer,” who focuses on containment and safety.

For offenders with edged weapons specifically, Police Scotland officers are trained to follow the CUTT approach:

- Create distance
- Use cover
- Transmit information to the control center (Dispatch)
- Tactically reposition as needed

Seeing the training in action

Following the classroom discussion, the U.S. delegation witnessed how the National Decision Model and the concepts of tactical communications, de-escalation, and tactical positioning, as well as batons, chemical spray, and personal protection shields, are applied in real-life settings.

Police Scotland trainers presented three scenarios, all based on actual incidents that the agency had recently handled.



Video available at
<https://www.youtube.com/watch?v=hSRMMeHg52A>

Scenario 1 – Traffic stop: Following a traffic stop, the driver exited the vehicle and started to walk away, dropping a bag of drugs on the ground. Officers formed a “tactical L” position, established a reaction gap and contact-and-cover assignments, communicated with the combative subject, and eventually used a hands-on maneuver to gain control.



Video available at
<https://www.youtube.com/watch?v=GBnqjYO27XQ>

Scenario 2 – Man with mental illness wielding a baseball bat: Officers responded to a man with obvious mental illness wandering the street with a baseball bat. As the subject advanced toward their police car, the officers backed the vehicle up to maintain a safe distance. Once they exited the vehicle, officers established tactical positioning and communications, maintaining a larger reaction gap and a slightly higher profile with their baton and chemical spray because of the possible threat posed by the baseball bat. Officers used communication techniques appropriate for an individual experiencing a mental health crisis (for example, the officers removed their hats to enhance eye contact), and eventually convinced the subject to drop the bat and surrender.



Video available at
https://www.youtube.com/watch?v=W1Oc0mNh_L8

Scenario 3 – Domestic incident, man with a knife: Officers responded to a domestic dispute on the street and separated the man and woman. As they began engaging the man, he pulled a knife, at which point the officers tactically repositioned and used their vehicle as cover. One officer drew his baton, the other his chemical spray. The contact officer maintained communication with the subject, and the officers repositioned as the subject moved. Backup officers arrived and deployed personal protection shields. When the subject moved aggressively toward one of the officers, the officer deployed his chemical spray, and the subject was apprehended.

Each of the demonstrations lasted several minutes, as the officers began and maintained communications with the subject, used cover and distance, and tactically repositioned themselves as circumstances dictated. The actual incidents upon which the scenarios are based took much longer to resolve.

Police Scotland officials emphasized that their approach is not to rush or confront a subject (unless the subject poses an imminent threat to someone else), but to slow these types of situations down and de-escalate as much as possible. The more time officers have, the more opportunities they create to gather information, consider possible solutions, develop plans, summon additional resources, and hopefully convince the subject to comply.

Takeaways from the scenario-based training

In follow-up discussions with Police Scotland members, the U.S. police officials offered a number of observations regarding communications, tactics, and equipment use.

COMMUNICATIONS

- **Call the subject by his name:** In all three scenarios, officers worked quickly to get the name of the subject; then, throughout their communications, they addressed him by his name.
- **Ask open-ended questions:** As opposed to simply barking orders (*e.g.*, “Put down the baseball bat!”), officers asked open-ended questions and listened to the answers. For example, when the person with mental illness said he wanted to go somewhere, the officers asked, “Where?” When he said, “To the hospital,” they replied, “Which hospital?” Asking open-ended questions not

only maintained the dialogue, but also provided the officers with valuable information about the subject and what may have triggered his behavior.

- **Take steps to put the person at ease:** In some instances, the officers took their police hats off and put them on the ground. Officers have been trained that some subjects, especially those with a mental illness, react more positively to verbal communications when they can see the other person's eyes.
- **Try different approaches to making a connection:** Officers maintained communication throughout each encounter, even as the threat level increased (such as when the subject pulled a knife in Scenario 3). At the same time, if one communications approach did not work with a subject, then the officers pivoted and tried a different approach.
- **Explain what you're doing:** For the most part, officers explained the actions they were about to take, such as when they were handcuffing the subject. And for the subject with mental health issues, the officers offered reassurance, compassion, and help.

TACTICS

- **“Contact” and “cover” roles:** Officers demonstrated teamwork by establishing “contact” and “cover” roles in all scenarios and sound positioning (through a “tactical L”). (Because Scotland has a legal provision requiring that all police actions be corroborated by a second officer, Police Scotland must staff two-officer cars at all times, which enhances both teamwork and officer safety.) The contact officer was the primary communicator with the subject, with the cover officer focused on safety and containment. If the subject tried to communicate with the cover officer, he or she deflected the subject back to the contact officer.
- **Create and maintain a “safe zone” as conditions change:** Officers used distance and cover throughout the scenarios. When the subject with the baseball bat in Scenario 2 approached the police car, the officers backed up to create distance. And as the threat changed (for example, the subject in Scenario 3 displayed a knife), the officers widened their reaction gap, used their vehicle as cover, and adopted a higher profile with their less-lethal weapons (baton and chemical spray).
- **Hand positioning:** Police Scotland officers are trained in how to position their hands when engaging a subject. Specifically, officers are taught to keep one hand, open palm, in front of them—both as a signal of calm and reassurance to the subject and to enable the officer to quickly engage physically if necessary. The other hand is used to ready their baton or chemical spray. Officers were disciplined throughout the scenarios in maintaining their hand positioning.
- **Consider the nature of a threat, not just the weapon itself:** Police Scotland officers are trained to look not solely at the weapon a subject may possess, but also at the threat it poses. Is the knife being swung about, and if so, is it being done offensively or defensively? (A person with a mental illness may see others as aggressors, and so he might swing his knife in a defensive manner to keep people away.) The threat posed by the weapon, and not just the

presence of the weapon itself, helps determine the specific tactics that are employed.

EQUIPMENT

- **Protective shields:** In Scenario 3 (as well as other scenarios the next day), officers made use of personal protection shields—3-foot clear acrylic devices that are kept in most patrol vehicles. Police Scotland officials explained that the personal protection shields would not be used to proactively confront a subject with a knife. (The shields offer limited knife protection and have no ballistic capability.) *Rather, the shields are considered as an extra measure of protection for surrounding and containing a subject who is unarmed.*
- **PAVA spray provides a more concentrated, controllable stream than traditional CS spray:** In Scenario 3, officers neutralized the aggressive subject who had a knife using chemical spray. Police Scotland recently moved away from traditional CS spray and adopted an alternative called PAVA (pelargonic acid vanillylamide). Unlike CS and OC sprays, PAVA has a more concentrated stream that is more accurate, minimizes cross-contamination with other officers, and is not flammable, meaning it can be used in conjunction with an Electronic Control Weapon. In Police Scotland, the PAVA canister is tethered to the officer's uniform using Kevlar cords, which reduces the likelihood of it being dropped or taken away.

Day 3: Use of Force Guidance, Public Order And Firearms Situations

On the third day, the delegation traveled to the Police Scotland College facility in Jackton, and focused on the use of the National Decision Model, de-escalation techniques, and specialized equipment in more challenging and dynamic situations. As with the previous day, this session included both classroom discussions and scenario-based training. The Jackton facility includes realistic indoor and outdoor structures, including a mock city block, for conducting scenario-based training.



Video available at
https://www.youtube.com/watch?v=30fd9H34x_w

Handling Violent Deranged Persons

Police Scotland has specially trained teams of Public Order officers who respond to particularly violent or deranged persons (who often are armed with edged weapons), as well as public protest activity. Somewhat similar in organization and mission to specialized tactical units in the United States, the Public Order teams receive extensive initial and ongoing training, and they carry more specialized equipment, including larger (5-foot) acrylic shields. However, Public Order officers do not carry firearms; only specially trained Firearms officers are armed with side arms.

A mainstay of Public Order work is methods of entry for barricaded persons and securing violent deranged persons (VDPs). Police Scotland handles about 100 VDP cases a year. In about 10 percent of those cases, Public Order and Firearms officers deploy jointly. The primary approach in VDP cases is to contain and negotiate, and the Public Order officers rely on the National Decision Model throughout the process.



A sample of edged weapons confiscated by Police Scotland officers

Using teamwork, communications, and shields

Police Scotland trainers conducted a series of scenarios involving a drunken tenant in an apartment building, inside a room and armed with a baseball bat. Multiple teams of Public Order officers using interlocking protective shields secured both the door and windows to the room. As they did in nearly all critical incidents, officers immediately initiated communication with the subject in a calm, even tone.

In the first scenario, the officers used their communications skills to convince the VDP to drop his bat, show the officers that he didn't have other weapons, and come to the door to be handcuffed.

In the second scenario, the VDP became more combative, repeatedly slamming the wooden bat against the shields of the officers positioned at the door, eventually breaking the bat. Even throughout this chaotic, up-close encounter, officers maintained their position behind the shields and continued to communicate. After the bat broke, a team of three officers behind their shields entered the room, pinned the subject in a corner and secured him.

In the third scenario in the series, the VDP became even more combative, yet officers continued to use their tactical communications. This time, when the Public Order officers made their entry, the VDP aggressively fought back. The officers repositioned to the door, reassessed the threat, and made subsequent entries when appropriate. As one entry team grew tired, they were replaced by another team of three officers. The multiple cycles of entry, reposition, and re-entry eventually wore the subject down and he was secured. Police Scotland trainers noted that in a real-world setting, this type of operation could go on for hours. They acknowledged that it is extremely resource-intensive, with multiple teams of Public Order officers required.

In the fourth scenario of the day, a man on the street being questioned by two regular patrol officers displayed a knife and barricaded himself in a nearby building. The patrol officers requested Public Order officers who responded

to the scene, secured the building, and immediately initiated and maintained communication. Once the VDP dropped his knife, teams of Public Order officers made entry, again behind their shields, and secured the individual.

Similarities with the NYPD ESU

Interestingly, when PERF visited the New York City Police Department Emergency Service Unit (ESU) in December 2015, one scenario the ESU demonstrated was almost identical to the Public Order scenarios in Scotland: a person with mental illness holed up in a room brandishing a weapon other than a firearm (in this case, a pickaxe and a baseball bat).

PERF staff members were also struck by how similar the ESU's tactical response was to what they saw with the Public Order officers in Scotland:

- Initiating and maintaining *communication* throughout;
- Using *shields* as personal protection;
- Relying on *teamwork and tactical positioning*; and
- Taking as much *time* as needed to safely resolve the situation.



NYPD Emergency Service Unit officers demonstrate a response to a mentally ill man barricaded in a room with a pickaxe. Video available at <https://www.youtube.com/watch?v=ullwySDTI84>

Public Riot and Firearms Scenarios

Later in the day, Police Scotland demonstrated how its Public Order officers respond to public disturbance or riot situations, including some involving “petrol bombs.” Teamwork, communications among officers, use of shields, and tactical positioning and re-positioning were critically important.

Finally, Police Scotland discussed and demonstrated how their Firearms officers respond to the rare occasions where police encounter a subject armed with a firearm, or other extremely dangerous circumstances where the deployment of Firearms officers is needed. Officials acknowledged that U.S. police forces have far more experience in confronting armed offenders than does Police Scotland, but felt it would be useful for the U.S. delegation to see how their Firearms officers operate through a series of scenarios. Police Scotland officials emphasized that even in firearms situations, officers use the National Decision Model (albeit more rapidly than in other circumstances), consider their code of ethics, and weigh the proportionality of their actions.

After viewing four different scenarios involving Firearms officers in Scotland, the U.S. officials made several observations:

Shoot and re-assess: Police Scotland Firearms officers are trained to shoot, re-assess the threat, and shoot again only if needed to further mitigate the threat. This is similar to the “two-shot” concept that some U.S. police agencies have utilized.

Tethered weapons: Officers’ firearms are tethered to their uniforms with Kevlar cords that cannot be cut or snapped. This helps prevent officers from losing control of their weapons during physical encounters.

Render first aid: Police Scotland officers are trained and expected to immediately render first aid to any subject they shoot or otherwise injure. First-aid kits are maintained in police vehicles. In the scenarios that resulted in a shooting, one officer maintained control of the offender, while the other officer retrieved the first-aid kit.

Day 4: Observations and Analysis

The fourth day of the program consisted largely of an open discussion among the U.S. and Police Scotland officials, reviewing the information and scenarios from the previous three days and discussing key takeaways that could be applied in U.S. police agencies.

Each of the U.S. police executives had an opportunity to share his or her thoughts and impressions (see pp. 106–113). Some of the broad themes mentioned by several of the U.S. participants included the following:

- **Values:** Police Scotland is a values-driven organization, and those values are reinforced throughout training and operations. The code of ethics and respect for human rights lie at the center of the National Decision Model.
- **Communications skills:** Police Scotland officers are recruited for their communications skills, and *those skills are taught, reinforced, and used throughout their careers*. Almost every encounter an officer has starts with calm and even communications with the subject, and officers maintain communications throughout.

Several American police executives noted that in the United States, as officers have been issued a wider variety of sophisticated equipment and technology, there has been a tendency to de-emphasize the importance of communications skills.

- **Training academy culture:** The culture of Police Scotland College reflects the mission, values, and priorities of the agency as a whole. Several U.S. police executives noted that this is not always the case in U.S. police agencies, in part because of the fragmentation of policing among 18,000 different agencies. Many times, police chiefs aren’t fully aware of what is being taught in their academies, and they are surprised when they learn that outmoded concepts that conflict with the department’s vision are still being presented in their academies. This problem can be especially challenging for agencies that rely on state or regional academies to train their recruit officers.

Creating and sustaining the appropriate culture in all training—recruit, field training, and in-service—is essential to moving organizations forward, the U.S. officials agreed.

- **SWAT-like tactics in Patrol:** Many of the tactics employed by specialized tactical teams in the United States—using distance and cover, taking the time to develop and execute a plan, teamwork, and negotiations, to name a few—are used by Police Scotland’s regular patrol officers in everyday encounters and critical incidents, including in situations with offenders armed with knives and other non-firearm weapons. Many U.S. police executives noted that bringing these same tactics and discipline to U.S. patrol officers would enhance the safety of both the officers and the public.
- **Decision-making model:** Police Scotland has managed to instill the National Decision Model in everything that its sworn employees do. Officers understand and can articulate the model, and it appears to be beneficial in helping officers not only respond to incidents more carefully, consistently, and effectively, but also to explain their actions after the fact. U.S. officials felt that with the right model and effective training, this concept could work for American police agencies as well.
- **Proportionality of responses:** Rather than focusing solely on the “could” (“Am I legally empowered to take this action?”), Police Scotland officers also must consider the “should” (“Is this an appropriate, proportional response to the threat I am facing?”).
- **Equipment:** Many of the U.S. officials were very interested in how Police Scotland uses personal protection shields, not only in barricade situations and other highly critical incidents, but also in many everyday encounters with combative individuals. Also of interest was the PAVA spray alternative to traditional OC and CS sprays. In addition, American police officials were interested in how chemical spray canisters and firearms are tethered to officers’ uniforms using Kevlar cords, which reduces the risk of the weapons being lost or taken.

Conclusion

For the U.S. police executives who participated, the Police Scotland field visit added to their understanding of the issues surrounding police use of force, and pointed toward some concrete steps that police agencies in the United States could consider and adopt.

The delegation recognized that not everything in Scotland is applicable to U.S. policing. The United States and Scotland have different cultures and police face different threats, including the serious threat of gun violence in the United States that is not found in Scotland. But with respect to persons with mental illness or those who are unarmed, or are armed with knives or other weapons but not a firearm, the challenges are similar, as Chief Constable Sir Stephen House said, and the approaches used by Police Scotland are instructive. Police Scotland’s demonstrations of their training and tactics showed how new concepts can be put into operation.

PERF is grateful to the leadership and staff of Police Scotland for their generosity and their commitment to advancing the policing profession on both sides of the Atlantic Ocean.

Following are a number of quotations from police officials who participated in the sessions at Police Scotland's College at Tulliallan Castle, at the final wrap-up meeting:

Montgomery County, MD Police Chief Tom Manger:

*We Need to Get Away from Thinking
Patrol Officers Must Resolve Incidents Quickly*

I thought this whole week about what if I had the typical use-of-force instructor sitting next to me, and how they could just summarily dismiss so many of the things that we've seen here. But I think the fear of the worst situation has guided all of our philosophies toward use of force.

We have to get out of the mindset that our patrol officers just have to get the job done quickly. We've got to take more time.

We all know that hiring the right people in the first place is the long-term strategy to changing an organization. Chief Inspector Higgins talked about spending an entire day doing competency interviews to look for things like communication, teamwork, respect for diversity, problem solving, personal awareness, job knowledge, partnership work, service delivery, and leadership. Spending a whole day looking for people with those qualities is a great way to make sure you're hiring the right people.

I'm not big on slogans, but while talking about use of force, someone said, "Communication is our first option." I love that.



Richmond, CA Police Chief Allwyn Brown:

It's Important to Value Human Dignity

One thing that resonated with me was the genuine value placed on human dignity. I'm not saying that we don't have that, but sometimes it gets lost in a rapidly evolving critical incident or in our busier districts. And being here was validation because we have re-engineered our approach in Richmond. We don't really use the buzzword "community policing," because we think it's a philosophy that needs to permeate through the entire organization.



Washington, DC Assistant Police Chief Kim Missouri:

*We Are Trying to Determine Why
Some Officers Use Force More Often than Their Peers*

Police officers have a desire to preserve human life, but we're also taught to do what is necessary to stop the threat and to go home safely. Unfortunately, that sometimes includes the use of justified, deadly force. But as we saw in the scenarios, sometimes there can be other options.

Chief Lanier wants to start looking at officers who frequently use force and figure out why they are using force more often than their peers. We want to see what kind of tools and training we can provide those individuals to help them approach certain situations to reduce the likelihood of having to resort to force.



Daytona Beach, FL Police Chief Mike Chitwood:

*Scotland Has an Interesting Approach
To Recruiting the Right Officers*

I think somewhere along the way we in American policing have lost the ability to realize why we took this job. It was to protect the sanctity of human life.

I was impressed by how Police Scotland looks at the entire picture of the recruit candidate. It's not the fastest runner or the best test-taker. It's looking for a certain type of individual who we believe is going to fit into our organization.



Los Angeles Assistant Police Chief Michel Moore:

We Constantly Reinforce Our Values

We are a value-based organization. We constantly reinforce that. That's something that all of us in American law enforcement need to reinforce with our people.



Anne Arundel County, MD Deputy Police Chief Pam Davis:

Your Officers Convey Respect to Your Citizens

I really feel your department has legitimacy with your citizens. In the scenarios we saw, your officers explained everything they were going to do. First they made contact with the person and asked their name. They made them feel like they respected them. I think we've all probably heard complaints where the citizen said, "All I wanted was for the officer to tell me why he stopped me."



Denver Deputy Police Chief Matt Murray:

*Police Scotland Focuses on Proportionality,
Not Just Legality*

My chief, R.C. White, always says that policing has changed, but the police have not. And so his focus is on culture.

We repeatedly heard three things here about use of force: proportionate, lawful, and necessary. We focus a lot on lawful. I don't know that I've heard those three words used together before when talking about use of force.



Baltimore Police Major Sheree Briscoe:

*Police Scotland Has Women
In Leadership Positions*

I'm impressed with the diversity and inclusiveness of your agency, especially that 29% of your force is female, and women are in specialized positions and oversee specialized positions. Additionally, members appear to feel no matter what their specialty, gender, or any other qualifiers, they are welcome at the table and have something to contribute.



Metropolitan Nashville Deputy Police Chief Brian Johnson:

*Police Scotland, Like Nashville Police,
Are Using an Assessment Process in Hiring*

For any of these things to work, you have to have the right people. For me it was validating to hear that Police Scotland uses an assessment process in hiring, because we just started doing the same thing in Nashville six to nine months ago. We haven't been doing it long enough to see if it will significantly change the number or type of people we attract, but we have to understand that we need people with the ability to communicate.

We've seen here in Scotland that communication actually provides legitimacy. When you're talking to the person you're about to place in custody and telling them each and every thing you're doing, along with why you're doing it, you can gain compliance that you normally may not get.



Prince George's County, MD Police Chief of Staff Samir Patel:

*Communication Skills Are Essential
And Can Reduce the Need for Force*

Our recruits brace the wall—it's very militaristic. They're not allowed to talk to other people. Your officers say hello to everyone in the hallway for months at the academy, and I'm sure that skill-set goes with them out into the community.

We are in a rush to handle calls for service so we can go back in service. But it's a cycle for us, because we go to the same addresses over and over and over. If we took the time the first time, maybe we wouldn't have to go there the 3rd, 4th, 5th, and 6th time.

I noticed through your whole process you're telling your suspect what you're going to be doing and what the next step is. We don't, at least not in my agency. And if you communicate, you may be able to resolve the situation without force.



New York City Police Assistant Chief Theresa Shortell:

You Forget to Negotiate If You're Worried About Rushing to the Next Call

We forgot to negotiate in New York because we were too worried about our response time—how long you were at that job, if you can get to the next job, how many jobs you did on a shift. We need to slow it down.



Houston Executive Assistant Police Chief George Buenik:

You Can Achieve Positive Results Without Using Deadly Force

In America, when we get to a scene and someone has a bat, the first thing we're doing is pulling a gun. If we're confronted by someone with a large rock or brick, we're going to pull a gun out. Same thing with a knife. What we saw in your scenarios is that you can achieve positive results without using deadly force and, in most circumstances, without even pulling your weapon out at all.



Brookline, MA Police Chief Dan O'Leary:

Simply Explaining What You Are Doing Can Reduce Complaints

The conversations that you have with everybody from the ordinary citizens to the people you're about to put in handcuffs really resonate. That's how to get people who might not like what you're doing to at least understand it, so they don't feel like they were treated badly. It reduces complaints and reduces the number of people who dislike you.



Miami Beach, FL Deputy Police Chief Laurretta Hill:

I Appreciate Seeing Your Training Scenarios

It was great to see the practical application of your approach in the scenarios. There are some things, including training and equipment, that I can take right back to our special response teams and mobile field force teams.



Houston Police Chief Charles McClelland:

*De-escalation and Officer Safety
Have To Be Woven Together*

You have a set of core values that permeates throughout all of your members. It's very obvious and very genuine.

De-escalation and officer safety have to be woven together in our agencies. Doing things differently increases officers' safety and improves police-community relations. To do things differently, we have to show officers why it's in their interest to change.

We're trying to accomplish that mechanically by putting body cameras on every police officer in America. You have been able to get your officers to behave differently without putting a camera on every officer.



**Federal Law Enforcement Training Centers
Assistant Director Dominick Braccio:**

*We Need to Expand Critical Thinking Skills and De-Escalation,
And Not Just Train for Worst-Case Scenarios*

When we teach use of force, we teach officers to be able to articulate if what they've done was legally permissible and reasonable. While we emphasize the legally permissible part, we must also focus on the reasonableness.

I think we would benefit by expanding critical thinking in our training. When you look at the cycle you go through as part of the NDM model, I think that becomes part of the cognitive conditioning of your officers. Since we cannot train for every eventuality, we need to look at how we can better integrate that into our training.

When we conduct scenario-based training, we should allow for more scenarios where we can de-escalate situations. Once we identify the scenario is not a firearm situation and perhaps may involve a mental health issue, we need to have options to de-escalate the situation with less force, while still keeping the officer safe. Then we are giving the officer options and we're not just preparing or training worst-case scenarios.



Prince William County, VA Police Chief Steve Hudson:

*It Will Be Challenging to Teach Our Officers
That It's OK to Slow a Situation Down*

Clearly, time and distance are so key. We've been preaching that in the U.S. for years, but we don't have the level of patience that you have instilled in your officers. We have to be less quick to make that force decision. To teach our people that they may need to back up, and maybe repeatedly, is going to be a process that may take some time.

We are so disparate and diverse in the U.S., with 18,000 agencies, and the level of quality and professionalism can vary so wildly. So I think all of us really have to take the mantle in terms of trying to improve the consistency of high levels of professionalism, high levels of character, and high levels of policy and use-of-force deployment, because we're all perceived by the worst examples that come to light. They're so rare, but they drive the public perception, so that level of consistency has to improve.



Chicago Police Chief of Crime Control Strategies Robert Tracy:

*This Is About Not Getting into Situations
Where You Have to Use Deadly Force*

It's about slowing things down, backing up, and not getting into those situations where you have to use deadly force. We're getting better, but we're not where we need to be.



Phoenix Executive Assistant Police Chief Dave Harvey:

*We Need to Show Compassion
For Emotionally Disturbed Persons*

I think in the United States we deal with mental health cases or emotionally disturbed people as criminals. We have programs throughout the United States to train officers for these incidents, but I think that's going to be something that we have to do for all our officers so that we handle those emotionally disturbed people with compassion.

Our law talks about the reasonableness of an officer and the imminent threat of serious physical injury or death, so when we encounter suspects and we are in fear for our life, we use force and sometimes those people are unarmed. So I think we have to reevaluate that decision-making model to better determine what we think and feel, versus what we know.



U.S. Border Patrol Deputy Chief Ron Vitiello:

*We Are Well on Our Way to Reforms
On De-Escalation and Communications*

We were late to the party on de-escalation. Our training was on proficiency and not on things like communication and de-escalation. We're now well on our way in our reforms.

I was very impressed during the demonstration when your officer articulated why he did what he did as they were "spinning the model" during the situation. I think that NDM model has applicability for all of us in this room. And I think it could help us collaborate with each other, because if we all have a common model we can better communicate between agencies.



ATF Assistant Director Michael Gleysteen:

*Most People We Deal with Have Firearms,
But We Too Can Look at De-Escalation*

In so many of our operations, ATF agents encounter individuals who are in possession of, or in close proximity to, firearms. For this reason, ATF training places a high emphasis on firearms skills and marksmanship. This is important for the safety of our agents and the public they protect.

But equally important is a critical need for a training component that teaches tactical pause and de-escalation techniques, both of which need to be commonplace through scenario-based training. ATF agents are required to qualify quarterly with a multitude of duty firearms, and train several times each year with less-lethal devices. We need to devote equal time for de-escalation training.



Baltimore County, MD Police Chief Jim Johnson:

Lightweight Shields Can Be a Very Effective Tool

I'm particularly interested in using the lightweight shield. We saw that that can be even more forceful than using a Taser, so it's a powerful tool that can be quite appropriate and effective.

You are to be applauded for the mental health and substance abuse treatment that you can receive free here, which is critically important. And as a public safety entity and a society, you are to be commended for holding the line on guns. There are 12,000 Americans killed each and every year by handgun violence, and obviously you found a way to maintain recreational use of firearms but still restrict their use for unlawful purposes.



Boston Police Commissioner William Evans:

Police Should Not Look Like a Military Force

Over the last few years, whether it was responding to demonstrations by Occupy or Black Lives Matter, or some of the major events about sports victories, we went out with a very soft approach. And we've seen how successful that is. It's translated into how we deal with people in everyday situations.

When your officers are training here, they don't look like a military force. They look like they're training to go out and talk to people. I don't think we do that. We train "us against the bad guys." That's something that I'm trying to change.



Fairfax County, VA Police Chief Ed Roessler:

*These Police Scotland Scenarios
Are Exactly What We Are Training to in Fairfax*

As a new chief in the summer of 2013, I contracted with PERF to conduct a thorough use-of-force review of my agency that included analysis of our hiring practices, recruit and in-service training, policies, procedures, and a review our officer-involved shootings from the last decade. The final report concluded with 71 recommendations, which included implementation of the National Decision Model. Since then I've had the opportunity to meet with our Police Scotland colleagues both in the United States and in Scotland to learn more about the model and their training.

In the spring of 2015, prior to the conclusion of the PERF use-of-force review, we began a strategic change process to our hostage/barricade policy and practices. Through policy change and sustained annual training we emphasize slowing situations down, containing and isolating the event, using cover and concealment, evacuating those in harm's way, having dispatchers start negotiations immediately while officers respond to the location, and mandating supervisor and commander responses to the scene to take command.

Additionally, through policy and training we attempt to (when possible) hold the scene for the arrival of specialized personnel resources to respond and assume command and control of the event. This includes call-outs of personnel such as Crisis Intervention Team-trained officers, civilian mobile crisis staff, trained negotiators, and SWAT personnel.

The scenarios we observed in Scotland are exactly what we're training on an annual basis in my department, to sustain a philosophy of the preservation of the sanctity of human life for all involved (officers and community members). Since June of 2015, we are implementing change as related to the 71 PERF recommendations on use of force.

Learning from Police Scotland has afforded a unique opportunity for us to re-engineer all our lines of business as related to use of force. We have relied heavily on many officer-led workgroups to create positive change in our policies and training. Through involving officers of all ranks, we are ensuring that they are safe in all they do and that they embrace the changes they helped create. We are thankful for the continued support of Police Scotland and PERF as we continue to re-engineer our profession in Fairfax County.



Recruiting and Diversity in Police Scotland

Both American and Scottish police officials agreed that recruiting and retaining the right people are key considerations in addressing the use-of-force issue, advancing community policing, and building trust between residents and police. In the United States, there is a growing emphasis on officers' roles as "Guardians" of the community, not simply "Warriors" waging a fight against crime. Finding people who can excel in both roles is viewed by many chiefs as key to long-term success.

As part of the field work at Police Scotland, the U.S. police executives had the opportunity to learn about the officer recruitment and selection process used by Police Scotland. Because it is a values-driven organization, Police Scotland invests heavily in recruiting, screening, and selecting personnel who reflect their core values. Officials emphasized that hiring personnel who possess the ethical foundation needed for the profession helps to minimize problems with performance, misconduct, or excessive force.

On the morning of Day 2, Chief Inspector Allison Higgins led a discussion of Police Scotland's recruiting program. With 21 years of policing experience, she serves as Deputy Recruiting Manager with responsibility for the recruitment and selection of police officers, civilian staff, and volunteer special constables.

Competency-Based Interview and Assessment Center for Recruits

Chief Inspector Higgins noted that before the creation of Police Scotland, recruiting and selection across the eight legacy police forces had been done in different ways, with little consistency in methodology or standards. The formation of a single agency provided the opportunity to create a national recruiting model that is designed to be open, transparent, and fair. To achieve those goals, Police Scotland moved away from traditional approaches that rely on written and physical tests, and adopted an assessment center approach, similar to what many U.S. police agencies use to evaluate and promote their first-line supervisors and middle managers.

The core of the process is a competency-based interview and assessment center that each candidate completes—an entire day of interviews with multiple people, plus exercises. One of the exercises involves putting a group of candidates in a room and asking them to discuss a particular topic of recent interest. The ensuing discussion among the candidates allows assessors to evaluate communication, teamwork, and leadership characteristics, and also to spot any red flags (inappropriate language, sexism, racism, etc.) that may be disqualifiers.

Another exercise could involve having the candidate watch a video, take notes, and then make a presentation. As Chief Inspector Higgins described it, the process is not operationally based, but rather behavior based, and the use of multiple interviewers and assessors reduces the chance of bias.

Lower Attrition Rates Reduce Long-Term Costs

While the up-front costs of this approach are somewhat higher than with more traditional methods, the attrition rate of recruits during training is very low—less than 4 percent. Over time, this reduces the costs associated with getting people into the recruitment pipeline and spending on training for recruits who don't finish the academy. In addition, Police Scotland asserts that the process is fairer, and provides a more comprehensive, rounded, and accurate picture of the people entering the force.

Interestingly, the **Metropolitan Nashville Police Department** recently adopted an assessment center process for its recruit hiring. Thus far, the agency has hired only one partial and one full class of recruits

Competencies assessed during recruit selection

- Communication
- Personal effectiveness
- Teamwork
- Respect for diversity
- Problem solving
- Personal awareness
- Job knowledge
- Partnership working
- Service delivery
- Leadership

under this process, so findings are still incomplete. MNPD officials report that while the new process has not impacted its attrition rate thus far, the agency appears to be attracting candidates with higher levels of education, more relevant experience, and more of the skill sets the department is seeking.

Recruiting and Retaining Women

Police Scotland has also prioritized the hiring of women, and has dramatically increased the number of female officers on the force in recent years. In 2003, women accounted for about 18 percent of the police officers and fewer than 8 percent of the promoted posts throughout Scotland. Today in Police Scotland, women make up close to 30 percent of all officers and 20 percent of promoted posts. A recent recruit class was 38 percent women, the highest in history.

To discuss how Police Scotland has successfully diversified in terms of gender, a panel of female officials held a roundtable discussion on Day 4 of the PERF field visit. The panel included Deputy Chief Constable Rose Fitzpatrick (the highest ranking woman in Police Scotland), Superintendent Suzie Mertes (who chairs the Scottish Women's Development Forum), and Sergeant Claire Fletcher.

Deputy Chief Constable Fitzpatrick noted that research shows that decision making within a group improves when there are a number of viewpoints represented and that women bring special skills, talents, and perspectives to any organization. She also pointed out that police agencies enhance their legitimacy in the community when they are more reflective of the people being served.

Superintendent Mertes outlined a number of steps Police Scotland has taken to achieve its goals of recruiting, retaining, and promoting women. These included opening up all assignments within Police Scotland to women, providing different sizes of equipment to officers based on their physical size, and making fitness tests specific to assignments (the panelists pointed out that these latter changes have also benefitted men who are smaller in stature). Police Scotland has also allowed for some job-sharing and schedule adjustments. In addition, women can continue training while on maternity leave.

Oath of Office Ceremony

At the end of Day 2, the U.S. delegation had the opportunity to attend the Oath of Office ceremony for 83 new members of Police Scotland. Unlike most U.S. agencies, which swear in new officers at the end of their recruit training, Police Scotland administers the oath on the third day that recruits are in the College.

In addition to the traditional aspects of the ceremony, Superintendent Alan Gibson, the Head of Training Delivery at the College, asked some of the new officers to discuss their backgrounds, their interest in policing, and their aspirations for the future. The U.S. police executives were impressed with both the thoughtfulness of the answers and how they were delivered.

In fact, throughout the week, whether in more formal settings or hallway conversations, the U.S. officials noted the communication and conversational skills of the recruit officers. Several people pointed out that in most U.S. police training academies, recruits who encounter a higher-ranking officer are expected to back up against the wall, look straight ahead, and bark out a terse, "Good morning, sir" or "Good afternoon, ma'am." In Police Scotland College, recruits are expected to make eye contact and respectfully engage in conversation with higher-ranking officials and visitors, when appropriate.



Conclusion: The Policing Profession Is Moving Forward

PROGRESS IN POLICING HAS ALMOST ALWAYS COME ABOUT WHEN police leaders recognize the need to “confront the brutal facts,” in the words of *Good to Great* author Jim Collins.⁷⁵

Following are several examples of how the policing profession has advanced when it identified areas for improvement and made important changes.

Sexual assaults: Confronted by serious concerns from victim service providers and others, police leaders recognized weaknesses in sexual assault investigations, efforts to prevent sexual assaults, and treatment of victims. The policing profession dramatically changed policies, protocols, training, and victim services. The FBI expanded the very definition of rape (which had not been changed since the 1920s and which failed to include many types of sexual assaults), because solving a problem begins with knowing the size and nature of it. Much work remains to be done, but the police response to sexual crimes, and services for victims, are far better today than they were a decade ago.⁷⁶

Domestic Violence: Until the late 1980s, many police departments often responded to domestic violence incidents by separating the parties and giving perpetrators warnings, rather than making arrests. Research in 1987–88 found that arresting perpetrators (rather than issuing warnings) deterred further violence, and the policing profession, recognizing that its response had been grossly inadequate, responded with mandatory arrest policies and many

75. Collins is a business consultant and writer who convened a research team to identify the qualities of companies that have achieved greatness, defined in terms of exceptional stock market performance. One of the qualities was a willingness to “confront the brutal facts of their current reality.” In other words, Collins said, “When you start with an honest and diligent effort to determine the truth of your situation, the right decisions often become self-evident.” The best companies have mechanisms for calling attention to information that cannot be ignored, Collins found. See the 2007 PERF report, *Good to Great Policing: Application of Business Management Principles in the Public Sector*, pp. 31-35. <http://www.policeforum.org/free-online-documents>

76. See *Improving the Police Response to Sexual Assault*, PERF, 2012. http://www.policeforum.org/assets/docs/Critical_Issues_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf

other initiatives to serve and protect victims. While recent research has called into question some of the earlier findings, the policing profession continues to search for the most effective ways of preventing abuse, protecting victims, and working with social service providers to give victims greater options.⁷⁷

Racial issues: The issue of race in policing has implications for community-police trust and ultimately for public safety. For years, some in the policing profession questioned how serious a problem race was, and whether racial profiling even existed. Over time, police leaders came to recognize the existence of racially biased policing and the serious threat it poses to building strong relationships between police and the communities they serve. Police agencies have responded with a variety of strategies, including collecting and analyzing data on vehicle and pedestrian stops, targeted recruiting programs to increase diversity in recruit classes, accountability measures, training officers on implicit bias, mentoring programs, and community outreach units that focus on building relationships with every community in their jurisdictions.⁷⁸ Recognition of the existence of the problem was the first step in moving forward.

Active shooters: In 1999, two students at Columbine High School in Colorado shot and killed 12 students and one teacher, injured 24 more, and then killed themselves. Police from multiple agencies responded but did not enter the school for more than 30 minutes, because their training was based on the concept of containing the situation and waiting for specialized tactical units to arrive. The policing profession confronted the brutal reality that those policies were inadequate, and developed new policies and protocols that call for the first officers on the scene to quickly organize themselves and move in to stop the threat. Today, officers respond effectively to active shooter incidents, saving lives.⁷⁹

Managing major demonstrations: In 1999, more than 40,000 protesters participated in demonstrations in Seattle regarding a World Trade Organization conference. The event is remembered for the violence of the protests and an uncoordinated police response. In response, the policing profession developed new policies and protocols for handling large-scale demonstrations, including: working with demonstration leaders in advance to set up communications, build trust, and coordinate the response; working with neighboring police agencies to establish clear mutual aid agreements; using a “soft” approach whenever possible, keeping officers with riot gear and equipment out of sight

77. See, for example, “PERF Town Hall Meeting Addresses Surprising New Domestic Violence Research.” Subject to Debate, September/October 2014. http://www.policeforum.org/assets/docs/Subject_to_Debate/Debate2014/debate_2014_sepoct.pdf

78. See, for example, the PERF reports, *Advice from Police Chiefs and Community Leaders on Building Trust* (2015), *Constitutional Policing as a Cornerstone of Community Policing*, (2015), *Legitimacy and Procedural Justice: A New Element of Police Leadership* (2014), *Understanding Race Data from Vehicle Stops: A Stakeholder’s Guide* (2005), and *Racially Biased Policing: A Principled Response* (2001). <http://www.policeforum.org/free-online-documents>

79. See the PERF report, *The Police Response to Active Shooter Incidents* (2014) for details about all aspects of these changes. <http://www.policeforum.org/free-online-documents>

but nearby in case they are needed; and other strategies. Today, very large demonstrations often are managed peacefully with few or no arrests by police.⁸⁰

Heroin addiction: Recently, many U.S. cities and towns have seen an epidemic of heroin addiction, which often begins when people take opioid pain medication such as Oxycodone following an injury or surgery. Some users become addicted to the pain killer, and later begin taking heroin because it is cheaper and more easily available than prescription medications, and it has the same effect on the body. Police agencies have responded by shifting from an enforcement-based approach to new ways of helping addicted persons get into treatment programs. Because police officers are often the first to arrive at the scene of a heroin overdose, many departments now train their officers to administer the lifesaving drug Naloxone, which can save the lives of addicts who would otherwise die before the officers' eyes.⁸¹

New York City prohibited shooting at vehicles: In August 1972, a New York City police officer shot and killed an 11-year-old African-American boy while he was fleeing in a stolen car in Staten Island. That incident prompted the NYPD to adopt a new policy prohibiting the use of deadly force at a moving vehicle unless the occupants were using deadly force by means other than the vehicle itself. As highlighted earlier in this report, that policy change produced an immediate and dramatic reduction in officer-involved shootings with no negative impact on officer safety. Over time, this policy has become a best practice in policing and has been adopted by many more agencies.

Memphis revolutionized training for mental health crises: In 1988, Memphis Police officers shot and killed a man with serious mental illness who charged at them with a knife. In response to that incident, the Memphis Police Department formed a partnership with the Memphis Chapter of what is today the National Alliance on Mental Illness (NAMI), as well as mental health providers and two local universities, the University of Memphis and the University of Tennessee. Together, they organized, trained, and implemented a specialized unit within the Memphis Police Department for the express purpose of developing a more effective and safe approach to events involving mental health crises. This was the beginning of the police department's Crisis Intervention Team, or CIT. Today, the "Memphis Model" of CIT has been adopted in hundreds of communities across the country.

Scotland police refocused on officer safety: In June 1994, an officer with the Strathclyde Police Service in Scotland was viciously stabbed to death after responding to a disturbance call in Glasgow's Gorbals district. It was the first such fatal incident in Strathclyde in more than a decade. In response to the tragedy, police services throughout Scotland quickly implemented a number of officer safety initiatives, including improved equipment and more extensive

80. See the PERF report, *Managing Major Events: Best Practices from the Field* (2011). <http://www.policeforum.org/free-online-documents>

81. See the PERF report, *New Challenges for Police: A Heroin Epidemic and Changing Attitudes Toward Marijuana* (2014). <http://www.policeforum.org/free-online-documents>

training. Today, as noted earlier in this report, officers in Police Scotland receive 40 hours of officer safety training in the academy, and they must requalify every year with an additional eight hours of officer safety training.

Confronting today's brutal facts

Today, the policing profession is confronting some “brutal facts” regarding police use of force and its impact on community-police relationships, public safety, and officer safety:

- We know that on a daily basis, officers perform their jobs with distinction and provide great service. They risk their lives, and this does not always receive the attention it deserves. The good and hard work of police officers in America is being overshadowed by the occurrence of what have been referred to as “lawful but awful” incidents.
- We know that police officers are under the microscope of public scrutiny, and many are feeling misunderstood and undervalued for the service they provide and the sacrifices they make for the community.
- We know that violent crime in some U.S. cities has increased sharply over the last year. Some trace this to a reluctance by officers to police proactively, out of fear that enforcement actions will be captured on video and misinterpreted. And some believe that crime is increasing because community members’ trust in the police has been damaged, so the level of joint efforts between communities and the police has declined.
- We know that attacks on police officers, including ambushes of officers solely because they are police officers, have increased, with horrific incidents in New York City; Prince George’s County, MD; Harford County, MD; Prince William County, VA; Euless, TX; and other locations.

Together, these conditions have produced a combustible mixture that threatens to undermine police effectiveness, the trust between police and community, and ultimately, the safety of residents and police officers alike.

The PERF 30 and the Critical Decision-Making Model: A framework for fundamental change

Leading police officials see the current environment as a new “defining moment” in which the policing profession is being challenged to step up and embrace change.

This report, reflecting the work of hundreds of police chiefs and other law enforcement officers from all ranks, provides a framework for confronting the challenges we face and for moving the profession forward in a safer direction. Our 30 Guiding Principles on police use of force represent the best of new thinking on use of force, as well as strategies that have proven successful for many years in individual agencies. The Critical Decision-Making Model (CDM) offers a training and operational tool to help agencies implement the

Guiding Principles. Together, these two elements provide a new way for police agencies to improve effectiveness and safety in non-firearms situations.

Next steps

PERF is accelerating its efforts to operationalize the PERF 30 and Critical Decision-Making Model. PERF is currently developing a curriculum anchored by the CDM and incorporating the policies, training, tactics, and equipment described in the Guiding Principles.

In the meantime, we are encouraged by the numerous recent examples of police agencies taking steps to implement many of the PERF 30 Guiding Principles (see pages 74–78 for additional examples):

- In Fairfax County, Virginia, the police department has adopted the Critical Decision-Making Model and embedded the CDM in its training on managing critical incidents. In the spirit of openness and transparency, the department invited the news media to observe its re-engineered use-of-force training, including scenarios and interactive virtual training.⁸²
- In San Francisco, the police department has announced new policies and training with an emphasis on de-escalation and using distance and cover to create time.
- In Utah, Massachusetts, and other states, new efforts are under way to train officers in de-escalation and defusing tense situations, especially those involving persons experiencing mental health crises.
- Numerous agencies have adopted or reinforced policies directing officers to render first aid to subjects they injure. News accounts of officer-involved shootings now frequently state that officers promptly provided first aid as emergency medical personnel were responding.

PERF encourages all agencies to review the Guiding Principles, the CDM, and the commentaries and background information in this report, and to incorporate some or all of these concepts in their operations. In doing so, agencies will be part of a national effort to take policing to a higher standard when it comes to police use of force and the safety of officers and the public.

82. Media Advisory: Fairfax County Police Department Use-of-Force Critical Decision-Making Training: Media Day, March 27, 2016. <https://fcpdnews.wordpress.com/2016/03/27/media-advisory-fairfax-county-police-department-use-of-force-critical-decision-making-training-media-day/>

About the Police Executive Research Forum

THE POLICE EXECUTIVE RESEARCH FORUM (PERF) IS AN INDEPENDENT research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has identified best practices on fundamental issues such as reducing police use of force; developing community policing and problem-oriented policing; using technologies to deliver police services to the community; and developing and assessing crime reduction strategies.

PERF strives to advance professionalism in policing and to improve the delivery of police services through the exercise of strong national leadership; public debate of police and criminal justice issues; and research and policy development.

The nature of PERF's work can be seen in the titles of a sample of PERF's reports over the last decade. Most PERF reports are available without charge online at <http://www.policeforum.org/free-online-documents>.

- *Advice from Police Chiefs and Community Leaders on Building Trust: "Ask for Help, Work Together, and Show Respect" (2016)*
- *Re-Engineering Training on Police Use of Force (2015)*
- *Gun Violence: Regional Problems, Partnerships, and Solutions (2015)*
- *Constitutional Policing as a Cornerstone of Community Policing (2015)*
- *Defining Moments for Police Chiefs (2015)*
- *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned (2014)*
- *Local Police Perspectives on State Immigration Policies (2014)*
- *New Challenges for Police: A Heroin Epidemic and Changing Attitudes Toward Marijuana (2014)*
- *The Role of Local Law Enforcement Agencies in Preventing and Investigating Cybercrime (2014)*
- *The Police Response to Active Shooter Incidents (2014)*
- *Future Trends in Policing (2014)*
- *Legitimacy and Procedural Justice: A New Element of Police Leadership (2014)*
- *Social Media and Tactical Considerations for Law Enforcement (2013)*

To learn more about PERF, visit www.policeforum.org.

- *Compstat: Its Origins, Evolution, and Future in Law Enforcement Agencies* (2013)
- *Civil Rights Investigations of Local Police: Lessons Learned* (2013)
- *A National Survey of Eyewitness Identification Procedures in Law Enforcement Agencies* (2013)
- *An Integrated Approach to De-Escalation and Minimizing Use of Force* (2012)
- *Improving the Police Response to Sexual Assault* (2012)
- *How Are Innovations in Technology Transforming Policing?* (2012)
- *Voices from Across the Country: Local Law Enforcement Officials Discuss the Challenges of Immigration Enforcement* (2012)
- *2011 Electronic Control Weapon Guidelines* (2011)
- *Managing Major Events: Best Practices from the Field* (2011)
- *It's More Complex than You Think: A Chief's Guide to DNA* (2010)
- *Guns and Crime: Breaking New Ground By Focusing on the Local Impact* (2010)
- *Gang Violence: The Police Role in Developing Community-Wide Solutions* (2010)
- *The Stop Snitching Phenomenon: Breaking the Code of Silence* (2009)
- *Violent Crime in America: What We Know About Hot Spots Enforcement* (2008)
- *Promoting Effective Homicide Investigations* (2007)
- "Good to Great" Policing: *Application of Business Management Principles in the Public Sector* (2007)
- *Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches* (2006)
- *Strategies for Intervening with Officers through Early Intervention Systems: A Guide for Front-Line Supervisors* (2006)
- *Managing a Multi-Jurisdiction Case: Identifying Lessons Learned from the Sniper Investigation* (2004)
- *Community Policing: The Past, Present and Future* (2004)
- *Racially Biased Policing: A Principled Response* (2001)

In addition to conducting research and publishing reports on our findings, PERF conducts management studies of individual law enforcement agencies; educates hundreds of police officials each year in the Senior Management Institute for Police, a three-week executive development program; and provides executive search services to governments that wish to conduct national searches for their next police chief.

All of PERF's work benefits from PERF's status as a membership organization of police officials, who share information and open their agencies to research and study. PERF members also include academics, federal government leaders, and others with an interest in policing and criminal justice.

All PERF members must have a four-year college degree and must subscribe to a set of founding principles, emphasizing the importance of research and public debate in policing, adherence to the Constitution and the highest standards of ethics and integrity, and accountability to the communities that police agencies serve.

PERF is governed by a member-elected President and Board of Directors and a Board-appointed Executive Director.

About Motorola Solutions and the Motorola Solutions Foundation



MOTOROLA SOLUTIONS CREATES INNOVATIVE, MISSION-CRITICAL COMMUNICATION solutions and services that help public safety and commercial customers build safer cities and thriving communities.

Our solutions, including devices, infrastructure, software and services, help people be their best in the moments that matter. We serve public safety and commercial customers in industries including law enforcement, fire, emergency medical services, utilities, mining, manufacturing and education. Customers in more than 100 countries around the world depend on our radio networks and devices, as well as our managed and support services. We are also continuing our rich history of innovation by creating “smart public safety solutions,” which are technology-driven software, systems and applications that provide critical intelligence to public safety users, improving safety and efficiency.

The Motorola Solutions Foundation is the charitable and philanthropic arm of Motorola Solutions. With employees located around the globe, Motorola Solutions seeks to benefit the communities where it operates. We achieve this by making strategic grants, forging strong community partnerships, and fostering innovation. The Motorola Solutions Foundation focuses its funding on public safety, disaster relief, employee programs and education, especially science, technology, engineering and math programming.

Motorola Solutions is a company of engineers and scientists, with employees who are eager to encourage the next generation of inventors. Hundreds of employees volunteer as robotics club mentors, science fair judges and math tutors. Our “Innovators” employee volunteer program pairs a Motorola Solutions employee with each of the nonprofits receiving Innovation Generation grants, providing ongoing support for grantees beyond simply funding their projects.

For more information on Motorola Solutions Corporate and Foundation giving, visit www.motorolasolutions.com/giving.

For more information on Motorola Solutions, visit www.motorolasolutions.com.

APPENDIX

Participants at the PERF Summit “Guiding Principles on Use of Force”

January 29, 2016, Washington, D.C.

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