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Re-Engineering Training On Police Use of Force

August 2015

POLICE EXECUTIVE RESEARCH FORUM

This publication was supported by the Motorola Solutions Foundation. The points of view expressed herein are the authors' and do not necessarily represent the opinions of the Motorola Solutions Foundation or all Police Executive Research Forum members.

Police Executive Research Forum, Washington, D.C. 20036
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Printed in the United States of America

ISBN: 978-1-934485-30-9

Cover and text page design by Dave Williams.

Photos by Sarah Mostyn.

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John Tomlinson

Acknowledgments

THIS IS THE 28TH REPORT IN PERF'S CRITICAL Issues in Policing series, and I believe it is one of the most important in this long history of groundbreaking documents. The Critical Issues series, which is produced with the generous support of the Motorola Solutions Foundation, focuses on the most important emerging issues challenging police departments.

For about a year, the policing profession in the United States has been shaken by a series of small earthquakes, beginning with the death of Eric Garner in New York and Michael Brown in Ferguson and continuing with at least a dozen other controversial uses of force that have received nationwide and even international attention.

PERF already has conducted three national conferences to discuss the implications of these critical moments in American policing. The first, our "Defining Moments" conference, addressed the key issues that came out of the protests and rioting in Ferguson, such as the need for police departments to be more transparent, to reduce the appearances of a militaristic response to protests, and to find new ways to de-escalate minor encounters on the street. Our report on that meeting was released in February 2015.

The report you are holding summarizes our second post-Ferguson conference, held in May, in which police leaders discussed how they are changing policies, training, and police "culture" with respect to use of force.

And on July 10, we held our third conference, in which 75 police chiefs each brought a community leader to Washington for a day-long discussion of how to strengthen police-community relationships. We are currently writing our Critical Issues report summarizing that meeting.

I have never been more grateful than I am today to the Motorola Solutions Foundation for supporting the Critical Issues in Policing Series. Motorola not only provides the resources to hold these conferences and produce and disseminate these reports, it also works with PERF to provide insights for these Critical Issues projects on very short notice, as the most important issues are just beginning to emerge in the field. That is why we have been able to conduct three major projects on the implications of Ferguson in the first year after the shooting of Michael Brown.

So my deepest thanks go once again to Motorola Solutions Chairman and CEO Greg Brown; Mark Moon, Executive Vice President and President of Sales and Product Operations; Jack Molloy, Senior Vice President for Sales, North America; Gino Bonanotte, Executive Vice President and Chief Financial Officer; Cathy Seidel, Corporate Vice President, Government Relations; Domingo Herraiz, Vice President, North American Government Affairs; 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.

I'm grateful to all of the PERF members and other experts who participated in this project—by responding to our survey regarding use-of-force training, by coming to Washington and sharing their advice about how the policing profession should show leadership in addressing these challenges, and by giving their time to PERF staffers who conducted extensive phone interviews to gather information.

I believe you will find this report particularly important, because the police chiefs, federal officials, and other experts who are quoted in it have candidly provided us with their wise counsel, grounded in decades of experience as leaders in the profession, regarding one of the most challenging crises of confidence in policing in decades.

Thanks also go to the PERF staffers who have become so skilled in making these projects happen.

My Deputy Chief of Staff, Shannon Branly, managed the entire project, with guidance from Chief of Staff Andrea Luna, Tom Wilson, Director of PERF's Center for Applied Research and Management, and Deputy Police Chief Pamela Davis of the Anne Arundel County, MD Police Department, who is currently serving a fellowship at PERF. Senior Associate Sean Goodison conducted the survey of police agencies for this project and analyzed the results, with assistance from Research Assistant Nate Ballard. Research Assistants Matt Harman, Rachael Arietti, and Sarah Mostyn and Research Associates Maggie Brunner and Jason Cheney contributed to the planning and running of the conference, and Sarah served as PERF's photographer. Membership Coordinator Balinda Cockrell handled logistical issues. My Executive Assistant, Soline Simenauer, provided invaluable administrative assistance. Communications Director Craig Fischer and Communications Coordinator James McGinty wrote this report, which reflects their extensive knowledge of policing and sensitivity to the issues. And PERF's graphic designer, Dave Williams, produced the report.

Chuck Wexler

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

Summary: What You Will Find In This Report

By Chuck Wexler

OVER THE PAST YEAR, THE POLICING PROFESSION has been shaken by controversies over the deaths of Eric Garner, Michael Brown, Tamir Rice, Walter Scott, Antonio Zambrano-Montes, and many others. I don't know anyone who would dispute that the reputation of American policing has suffered from these incidents. At times, it has seemed like every time you turn on the TV, you see another story about the police that hits you like a punch to the stomach.

PERF's Board of Directors was quick to realize that the rioting last summer in Ferguson was not a story that would fade away quickly, and we decided to hold a national conference in Chicago about the implications of Ferguson for policing. That meeting, held on September 16–17, just five weeks after the Ferguson incident, was written up in "Defining Moments for Police Chiefs," our last Critical Issues in Policing report.[1]

One of the key issues we discussed that day in Chicago was the need to rethink the training that police officers receive on de-escalation strategies and tactics. As we look back at the most controversial police shooting incidents, we sometimes find that while the shooting may be legally justified, there were missed opportunities to ratchet down the encounter, to slow things down, to call in additional resources, in the minutes *before* the shooting occurred.

It became clear that this issue of de-escalation was one of many ways in which the training of police officers can be improved. Our goal is to give police officers better tools for avoiding unnecessary uses of force, particularly deadly force.

So we began planning for another national research project and conference, titled "Re-Engineering Use of Force." The report you are holding is the result of this project.

You will see that this report, like others in the Critical Issues series, consists largely of the discussions by participants at our May 7, 2015 conference. Nearly 300 police chiefs and other law enforcement executives, federal government officials, academics, and representatives from policing agencies in the UK came together in Washington to share their views on what should be included in new approaches to training on use of force. We also fielded a survey of police agencies on their use-of-force training, reviewed research, and sent PERF staff to Scotland to observe their training firsthand.

I want to mention that some of what you will read in this report may be difficult to accept, because leading police chiefs are saying that our practices need to change dramatically. As the *Good to Great* author Jim Collins says, we need to "confront the brutal facts," and then act. PERF is known for not being afraid to question the conventional thinking, and that means taking a critical look at how we are performing as professionals. This is how we have made progress in policing historically. We are

1. http://www.policeforum.org/assets/definingmoments.pdf

responsible to our communities, and to the officers who risk their lives and act courageously, day in and day out. These officers need our guidance and they need state-of-the-art principles.

Here's a summary of what's in this report:

First, the training currently provided to new recruits and experienced officers in most departments is inadequate.

We need to rethink how we are training officers to handle use of force, and we must recognize that current training is not providing officers with state-of-the-art techniques to minimize use of force. A survey of police agencies that we conducted for this project revealed that we give officers many hours of training in how to shoot a gun. **But we spend much less time discussing the importance of de-escalation tactics and Crisis Intervention strategies for dealing with mentally ill persons, homeless persons, and other challenging situations.**

Furthermore, the various aspects of use-of-force training often are handled as separate issues, with each element discussed days, weeks, or even months apart from the related issues. Recruit training may begin with a week of training in how to use a firearm. Perhaps a month later, the recruits receive training on the legal issues governing use of lethal force. A month after that, they might receive a couple days of training on strategies for avoiding the use of force.

This fragmented approach makes it difficult for new officers to understand how all of these related issues fit together. Training on these issues should be more holistic and integrated. We also need fewer lecture-based training sessions, and more "scenario-based" training, in which officers are put through realistic role-playing exercises in which they must make choices about how to respond to the types of incidents they may face—such as a mentally ill person on a street corner, waving a knife.

We owe it to our officers to give them a wider range of options. "Shoot/don't shoot" training does not provide the full range of issues that officers need to consider. The question posed to officers in training should not be "shoot or don't shoot." Instead, officers should be trained to ask themselves a series of key questions as an event unfolds, such as "What exactly is happening? What is the nature of the risks or threats? What powers do I have legally and within policy to respond? Do I need to take action immediately? Am I the best person to deal with this? If I take a certain action, will my response be proportionate to the seriousness of the threat?"

As detailed in this report, some departments have reported success in training officers to use a "decision-making model," which is a formal system for analyzing various situations, considering the options and tools that are available for responding, making choices, and evaluating results.

Second, minimizing use of force requires changes in policy and training, but that is not enough. In several ways, this is also a question of police culture.

Sanctity of human life: For example, many police chiefs tell us that there is an informal tradition of supervisors telling their officers that "Your most important job is to get home safely to your family at the end of your shift." And who would argue that officers should be reminded that their job can be dangerous, and that they should take care to protect themselves?

However, a number of police chiefs have called for a rethinking of the practice of emphasizing to officers on a daily basis that they face potential deadly threats at every moment. Why? Because some of the officer-involved shootings that have been most controversial seem to reflect training that has officers think solely about their own safety, rather than a broader approach designed to protect everyone's lives.

In order to create a shift in police culture on this point, a number of departments have begun to build their use-of-force policies around statements of principle about the sanctity of *all* human life. For example, the Las Vegas Metropolitan Police Department adopted a policy stating that "the department respects the value of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances." The Northern Virginia Criminal Justice Training Academy also is adopting this approach.

"Never back down. Move in and take charge": For a number of years, PERF chiefs have been recommending that police try to "slow the situation down" when they respond to an incident involving a person experiencing a mental health crisis.[2] By slowing the situation down, officers buy themselves more time to communicate with the person, assess the situation, develop a plan for resolving the incident, and get additional resources to the scene, if necessary.

Furthermore, police chiefs at PERF meetings have discussed the concept of "tactical disengagement,"[3] which is sometime described as, "If you can calm the situation down and walk away from a minor confrontation, and nothing bad happens when you leave, that may be a better outcome than forcing a confrontation over a minor conflict."

However, these concepts of slowing a situation down, calling for a supervisor to respond to the scene, bringing in additional resources, de-escalating, and disengaging tactically are sometimes seen as antithetical to a traditional police culture. Some officers, with the best intentions, think that their job is to go into a situation, take charge of it, and resolve it as quickly as you can. Sometimes there is a feeling of competitiveness about it. If an officer slows a situation down and calls for assistance, there is sometimes a feeling that other responding officers will think, "What, you couldn't handle this yourself?"

The conventional wisdom has been that officers frequently have to make split-second decisions that have life-or-death consequences. While this is certainly the case in situations like active shooter incidents—when time is a critical factor—there are many other everyday situations where, after an initial assessment, it becomes clear that the more effective approach is to slow the situation down, maintain some distance between yourself and the subject to reduce the chance of a physical confrontation, and begin communicating with the person to seek a resolution.

If police leaders are going to change the culture on this point, they must clearly tell their officers what they want them to do, *and back it up in terms of evaluations and rewards.* For example, if officers' performance is evaluated in part according to how many calls for service they can handle in a day, that can undermine the concept of "slowing the situation down" when necessary.

The "21-foot rule": As detailed on pp. 14–15 of this report, the so-called 21-foot rule was created in a 1983 magazine article to describe the distance an officer must keep from a suspect armed with a knife, in order to give the officer enough time to draw and fire his gun if the suspect suddenly charges him with the knife. The 21-foot rule was later incorporated in a training video for police produced by an organization called Calibre Press.

Many police officers in the United States have heard about the 21-foot rule in their training, but few are aware of how the rule was created. Many officers have said the 21-foot rule is a part of police culture, handed down informally from one officer to another, or mentioned in training, over the generations.

Police chiefs at PERF's May 7 conference said that the 21-foot rule has sometimes been used wrongly to suggest that if a suspect moves to close the distance between himself and the officer, the officer can shoot the suspect and cite the 21-foot rule to justify the use of deadly force.

This is the wrong approach, they told us at our meeting. The 21-foot rule should never be seen as "a green light to use deadly force" or a "kill zone." Rather, officers should be given broader training in sound decision-making, de-escalation strategies, and tactics for creating time and distance, so they can better manage the incident without needing force.

Third, these issues are not theoretical; many departments are beginning to implement them.

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2. See, for example, "An Integrated Approach to De-Escalation and Minimizing Use of Force" (2012). Pp. 12–16. http://www.policeforum.org/assets/docs/Critical_Issues_Series/an%20integrated%20approach%20to%20de-escalation%20and%20minimizing%20use%20of%20force%202012.pdf
3. Ibid., pp. 18-19.

Already, we are seeing police departments in the United States revamping their use-of-force training in ways that reflect a shift toward the approaches I have mentioned above:

- Police in **Kansas City, Missouri** are receiving training in tactical disengagement.[4]
- **Los Angeles** officers are receiving "Preservation of Life Training."[5]
- **Leesburg, VA** police required all officers to attend seminars, led by Chief Joseph Price, on implicit bias, de-escalation, community policing in the 21st Century, and related issues.[6]
- The **Seattle** Police Department recently won praise from the U.S. Justice Department for its department-wide tactical de-escalation training program.[7]
- The **New York City** Police Department is undertaking a massive three-day retraining of all its officers on de-escalation, communications, and tactics to minimize use of force.[8]
- The **Las Vegas** Metropolitan Police Department has overhauled its use-of-force training to emphasize scenario-based training, de-escalation, crisis intervention strategies, and slowing down high-risk situations.[9]
- The **San Diego** Police Department is implementing a number of changes in its training of officers, including an emphasis on "emotional intelligence." This includes teaching officers how to keep their emotions in check and not take it personally if someone speaks to them disrespectfully, for example—so that a traffic stop or other minor incident does not escalate into something more serious and dangerous.[10]
- The **Oakland, CA** Police Department is overhauling its use-of-force training to emphasize de-escalation skills, officers' management of stress during threatening situations, assessment of officers in realistic scenario-based exercises, procedural justice, and related issues.[11]

Fourth, we can learn lessons from other countries' police departments.

First, let me acknowledge that among the industrialized nations in the world, the United States faces much more severe problems than most other countries, stemming from the widespread availability of inexpensive, high-quality firearms to almost anyone. Regretfully, even people with long criminal records or histories of severe mental illness can easily obtain powerful firearms in the United States. Federal laws banning gun possession by those categories of persons have large loopholes in terms of enforcement.

So of course, we cannot compare the across-the-board experience of police agencies in the United States with their counterparts in other nations with respect to use of force. Police in the

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4. **"KC police learning to 'tactically disengage' to avoid violent confrontations."** The Kansas City Star. May 8, 2015. http://www.kansascity.com/news/local/crime/article20561061.html
5. **"LAPD Focuses on Use of Force in New Training Series."** NBC Channel 4, Southern California. July 13, 2015. http://www.nbclosangeles.com/news/local/LAPD-Focuses-on-Use-of-Force-in-New-Training-Series-314801891.html
6. **"Leesburg Police: Balancing the 'Warrior' and the 'Guardian.'"** Leesburg Today, June 29, 2015. http://www.leesburgtoday.com/news/leesburg-police-balancing-the-warrior-and-the-guardian/article_d8cc89ea-1e77-11e5-8ae9-03de28c1c8df.html
7. U.S. Department of Justice media release, April 16, 2015. **"Justice Department Applauds Adoption of Police Department-Wide Tactical De-escalation Training Program in Seattle."** http://www.justice.gov/opa/pr/justice-department-applauds-adoption-police-department-wide-tactical-de-escalation-training
8. **"A Look Inside How the NYPD Is Retraining the Biggest Police Force in the US."** ABC News. March 17, 2015. http://abcnews.go.com/US/nypd-inside-nypd-retraining-biggest-police-force-us/story?id=29696041. See also NYPC Chief Matthew Pontillo's discussion of the retraining in this report.
9. **"Could training stem police shootings? Las Vegas is a test."** Associated Press, June 22, 2015. http://www.seattletimes.com/nation-world/could-training-stem-police-shootings-las-vegas-is-a-test/
10. **"Many SDPD reforms done, chief tells council."** The San Diego Union-Tribune, July 29, 2015. http://www.sandiegouniontribune.com/news/2015/jul/29/sdpd-audit-police-misconduct-perf-report/
11. See pp. 54–57 of this report.

United States face far more serious threats from gang members and other criminals armed with firearms than police face in nations where possession of firearms is strictly regulated. More police officers in the United States are shot to death while performing their duties than in other countries, so American officers must approach many situations with an awareness of and concern for their safety.

However, all countries have mentally ill persons with knives. So I believe we can compare our experience to other nations' experience with respect to certain situations that occur quite frequently, and which result in a disproportionate number of the most troublesome uses of force. To mention one common example: A 911 call in which the caller reports a person on a street corner, brandishing a knife, speaking incoherently, and the caller says the person seems to be mentally ill or under the influence of drugs or alcohol.

The United States does not have a monopoly on mental illness, homelessness, drug abuse, alcohol abuse, and other conditions that can cause people to behave erratically and dangerously. And the United States does not have a monopoly on the easy availability of knives or other edged weapons. So I think we can compare our experience to that of other nations with respect to the scenario I just described: "mentally ill person on the street, holding a knife."

Police in the UK have a different approach: That is why PERF invited top policing officials from England and Scotland to participate in our Re-Engineering Use of Force conference. As you will see on pp. 39–50, Chief Inspector Robert Pell of the Greater Manchester Police and Bernard Higgins, Assistant Chief Constable for Police Scotland, explain how their officers are trained to resolve incidents involving persons with knives without resorting to use of firearms.

In fact, police in the UK tend to place a high priority on learning how to resolve incidents without using firearms, because the large majority of constables there are not equipped with firearms. Only 3 percent of the officers in Greater Manchester, and 2 percent in Scotland, carry guns.

And what Chief Inspector Pell and Assistant Chief Constable Higgins told us is that their officers manage to resolve these incidents without using deadly force against the mentally ill persons.

I asked Chief Inspector Pell, "Aren't your officers afraid that they could get killed if they're within 21 feet of the man with a knife?"

Chief Pell responded that his officers don't see it that way. "The reality is that we've never carried guns, so we've always had to train differently," he said. "Culturally, it's different."

To a large extent, Pell and Higgins said at our conference, their training is based on a practical tool called the National Decision Model (NDM), which is a system that helps officers to respond effectively to all sorts of situations and problems. Under the NDM, officers are trained to constantly ask themselves questions about the nature of the situation they are facing, the threats and risks they are facing, their powers and authorities to act, their various options for acting, how their actions played out, and whether they need to begin the process again, based on new information.

This type of organized, systematic thinking via the National Decision Model results in a more effective response by officers.

For example, in our example of a mentally ill person wielding a knife, I asked Inspector Pell whether officers are trained not to "bark orders" at a mentally ill person, because a mentally ill person may not be able to process or respond properly to what the officer is saying.

Inspector Pell explained that I was oversimplifying it. He told us, "It's not just about 'stop barking commands.' It's about communicating and trying to establish a connection, trying to engage, to break through whatever it is, to start some kind of negotiations."

So police in Greater Manchester aren't just "checking the de-escalation box" when they encounter a mentally ill person with a knife. *The officers in Manchester don't have the fall-back option of shooting the mentally ill person, because they don't carry firearms.* So they learn the importance of making a genuine effort to learn as much as they can about the person, to engage him in conversation, and to

look for an opening, a way to demonstrate empathy, to calm the person down, and to get him to give up the knife without any use of force, so that everyone can go home safely. This approach may also involve bringing in additional resources, such as use of Electronic Control Weapons or calling in officers who are specially outfitted with heavy shields, or the special squad of officers who do carry firearms.

Chief Constable Higgins provided some mind-boggling statistics about policing in Scotland. Police in Scotland have not shot a single person in the last three and one-half years, he said, adding that "we have 1.8 million emergency calls a year."

As in Manchester, police in Scotland are trained to slow situations down—to "contain and negotiate," Chief Constable Higgins told us. He described the overall "theme" of their approach as: "What's the hurry? Don't feel you have to resolve every situation in a minute. By rushing it and escalating it, you're creating a situation where you are increasing the risk to the subject, you're increasing the risk to the community, and you're increasing the risk to the police officers involved."

Finally, we need to take a closer look at "suicide by cop."

We need better information and better strategies for dealing with the phenomenon in which persons try to force a police officer to shoot them. In some cases, the situation is made clear to the officers, because the person repeatedly says to the officer, "Shoot me." In some cases, including the famous incident in New Richmond, Ohio,[12] the officer is told by the dispatcher that the incident may be an attempted suicide by cop. In the New Richmond incident, Officer Jesse Kidder used that key information provided by the dispatcher to courageously and successfully defuse the incident.

But in other cases, it is unclear at the time whether the person is trying to commit suicide, and police may only learn later that the person had experienced severe depression or had made previous suicide attempts.

We need to do a better job of identifying the signs that a person may be suicidal, and avoiding putting the officer in a position where he believes he has no alternative but to use deadly force.

Dispatchers' important role: The work of 911 call takers and dispatchers is critically important. Officers need as much information as possible before they arrive at the scene, so they can think about their options and plan a response. If a 911 caller says that a person on the street is waving a gun, and then adds, "I think it might be a BB gun," that is critically important information for the officer to know. If the caller reports that the person is throwing rocks, or waving a piece of pipe, or seems to be concealing something, is mumbling or ranting, or does not seem to be aware of the people around him—all of these pieces of information can help the responding officers to understand the situation they will be dealing with. If there have been previous 911 calls at the same address, if the subject is a veteran, if other government agencies have been called to the address in the past—officers need to know these facts before they arrive.

For responding officers, knowing that a person is behaving threateningly and may be attempting to commit suicide by cop will help them know the kind of response that may be necessary. For example, the response might include bringing in a Crisis Intervention Team and/or a supervisor, or treating the incident as a barricaded person situation. The normal one- or two-person response will be insufficient.

We also know that we should provide instruction to officers about what is known about suicide-by-cop incidents, and strategies for responding to these incidents. There has been some research suggesting that these incidents often involve certain factors, such as a recent traumatic change in the subject's life and a history of assaultive behavior.[13]

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12. See page 56 of this report.
13. A number of resources on suicide-by-cop incidents are available at http://www.policeone.com/suicide-by-cop/. See also, "How to Stop Suicide by Cop." Pacific Standard, Feb. 21, 2011. http://www.psmag.com/health-and-behavior/how-to-stop-suicide-by-cop-27758

The policing profession should conduct additional research designed to help police identify potential suicide-by-cop situations as they are happening, and respond effectively when they occur.

Summary: It's time for an overhaul of police training, policy, supervision, and culture on use of force.

As the PERF Board of Directors understood nearly a year ago in the immediate aftermath of the demonstrations in Ferguson, there has been a fundamental change in how the American people view the issue of police use of force.

A year later, this upheaval in policing is continuing, and it is unlikely to abate any time soon. In my view, here's why: Over the past year, the nation has seen, with their own eyes, video recordings of a number of incidents that simply do not look right to them. In many of these cases, the officers' use of force has already been deemed "justified," and prosecutors have declined to press criminal charges. But that does not mean that the uses of force are considered justified by many people in the community.

One reason for this "disconnect" is that under the legal standard for judging a police action, the U.S. Supreme Court's 1989 precedent in *Graham v. Connor*, an officer's use of force is considered constitutional if it would be considered "reasonable," considering the facts and circumstances of the case, "from the perspective of a reasonable officer on the scene."[14] And the Court added that "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."

Thus, it is a rare case in which the courts will find an officer's use of force unconstitutional, or a prosecutor will bring charges against an officer. However, there is a growing recognition in the policing profession that a review of an officer's use of force should not focus solely on the moment that the officer fired a gun or otherwise used force. Instead, leading police chiefs are saying that the review should cover what led up to the incident, and officers should be held accountable if they failed to de-escalate the situation in order to prevent it from ever reaching the point where the use of force was necessary.

And *that* is the type of analysis that community members make when they watch a video of a police shooting and wonder, "Why did all those officers have to shoot that homeless man? Just because he was holding a knife? All those officers were there, they had him surrounded. Why couldn't they Tase him, or pepper-spray him, or just wait him out? They didn't have to kill him."

Police chiefs increasingly are recognizing this perspective, and are making a distinction between "could" and "should" when it comes to evaluating officers' use of force. While a use of force might be legal, that is not the end of the discussion if there were less drastic options available. A decision by a prosecutor or a jury that an officer's use of force was not a crime does not address the community trust issue. In Washington, D.C., the major cultural shift on use of force was the recognition that just because an officer *could* use force does not necessarily mean that he or she *should* do so.

Use-of-force continuums: We also need to review use-of-force policies, many of which rely on outdated concepts of a use-of-force "continuum," in which levels of resistance from a suspect are matched with specific police tactics and weapons.

In the past, this was considered an effective way to provide officers with specific guidance about how to handle various situations. However, there is an increasing understanding that use of force cannot be measured in such a mechanical way. Rather, officers must be trained to evaluate the entire situation they are facing, and to make good decisions about the wide range of options that may be available to them, depending on the circumstances, including de-escalation strategies.

This approach is in line with the U.S. Supreme Court's decision in *Graham* mentioned above. The Supreme Court noted that the calculation of

14. Graham v. Connor (1989). U.S. Supreme Court, May 15, 1989. http://caselaw.findlaw.com/us-supreme-court/490/386.html

reasonableness under the Constitution "is not capable of precise definition or mechanical application." Thus, many police agencies are moving away from simplistic use-of-force continuums in their policies that take a mechanical approach, matching a certain level of resistance with a certain set of weapons or tools. Instead, they are focusing on a more comprehensive evaluation by the officer of the need for force, as suggested by the Court.

The impact of video recordings: Furthermore, it seems that we are rapidly reaching the point where almost every significant police action will be recorded on video. A number of police chiefs have already been saying, "Any time anything happens, I just assume there will be a video of it. And I tell my officers to always work on the premise that they are being recorded all the time." Tens of millions of people carry cell phones capable of recording video, and there is a rapid trend toward police agencies deploying police body-worn cameras.

With all these video recordings becoming available, the role of the community in reviewing police uses of force will only increase in the future.

Thus, we must develop new policies and training to equip officers to manage their use of force in ways that will meet a higher standard than the relatively low bar of "not unconstitutional" and "not criminal." We must aim higher, toward a standard that has broader community support.

Chief Inspector Pell from the Greater Manchester Police noted that policing in the UK faced a crisis in 2011, following the fatal shooting of Mark Duggan in 2011 and several other high-profile uses of force in which officers were criminally charged. Here is what Pell recalled about those days, just four years ago:

"We thought we were training our officers with the right tactics to deal with the threats that were out there. But the reality was that our officers were getting themselves into situations where on a danger scale of 1 to 10, they were turning up at incidents that were 1 or 2, but were jumping straight to 8 or 9 in their use of force, with no middle ground. They were engaging in physical violence, they were being charged with criminal offenses, some were sentenced to prison, and we were losing public support. About 45 percent of the public were saying they didn't have any confidence in us."

The police in the UK responded to this crisis with new protocols, new training, and their National Decision Model. And today, Chief Inspector Pell reports, "The reaction of the community has been fantastic. Currently we have a public confidence level of 94 percent."

Policing in the United States is more complicated, because we have 18,000 autonomous police agencies, compared to the 43 territorial police agencies in England and Wales. It will be more difficult to accomplish systematic reforms on use of force by police agencies in the United States. And many communities in the United States, unlike those in many other countries, face severe challenges from the widespread availability of firearms to violent offenders.

However, if we leave aside the issue of firearms and consider the incidents in which suspects are armed only with knives, other edged weapons, rocks, or other weapons, and not firearms, we can take lessons from other nations, and we can do better in those situations.

The last year has taught us that community oversight in the age of the Internet is a powerful force. The public's demands for increased accountability and transparency will continue to work their will on our 18,000 police departments. Many police agencies already are rising to this challenge.

Daytona Beach Police Chief Michael Chitwood is one of the chiefs who is showing this kind of leadership. As he says on the final page of this report:

What we did 20 years ago is not good enough. Society has changed, and our job has changed. People are calling us because of poverty, inequity, and all these other issues. And our young men and young women have to be able to deal with that.

It's our job as leaders—what we're doing here today—to come up with a way to accomplish that mission. I think that the overwhelming majority of officers in this country are saying, "Lead us. Show us what you want us to do, and we're going to do it."

PERF's Survey On Current Training Practices

IN ORDER TO ESTABLISH A BASELINE OF KNOWLEDGE about the extent to which police agencies provide training to new recruits and in-service training to officers about de-escalation strategies and other use-of-force issues, PERF conducted a brief survey of member agencies in the spring of 2015. More than 280 agencies responded.

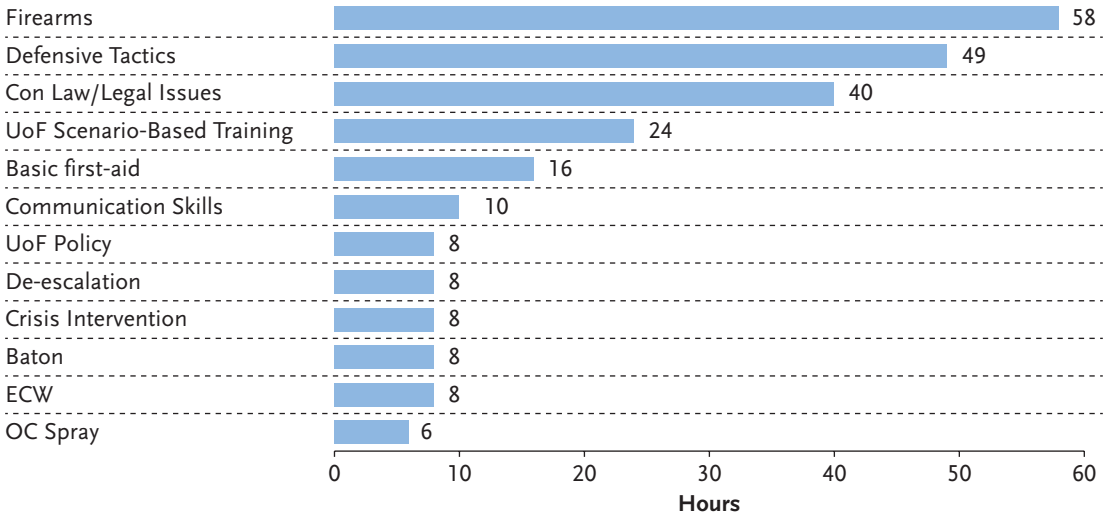
Following is the key information about the amount of time devoted to various topics during recruit training and in-service training.

Recruit Training: "Please indicate whether your training center provides the following types of recruit training, and the approximate number of hours required in your current basic recruit program."

While the vast majority of agencies provide training on each of the listed areas, there was wide variation in the number of hours of training that academies dedicate to each subject.

The largest element of recruit training was on firearms, accounting for a median of 58 hours. A median value of 40 hours of training is provided on teaching recruits about Constitutional law and legal issues regarding use of force. Recruits received a median of 8 hours of training on Electronic Control Weapons (ECWs), such as Tasers. Considering that a recruit training academy is generally a three- to six-month process, additional hours may be needed on topics such as communications skills, de-escalation, and crisis intervention.

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

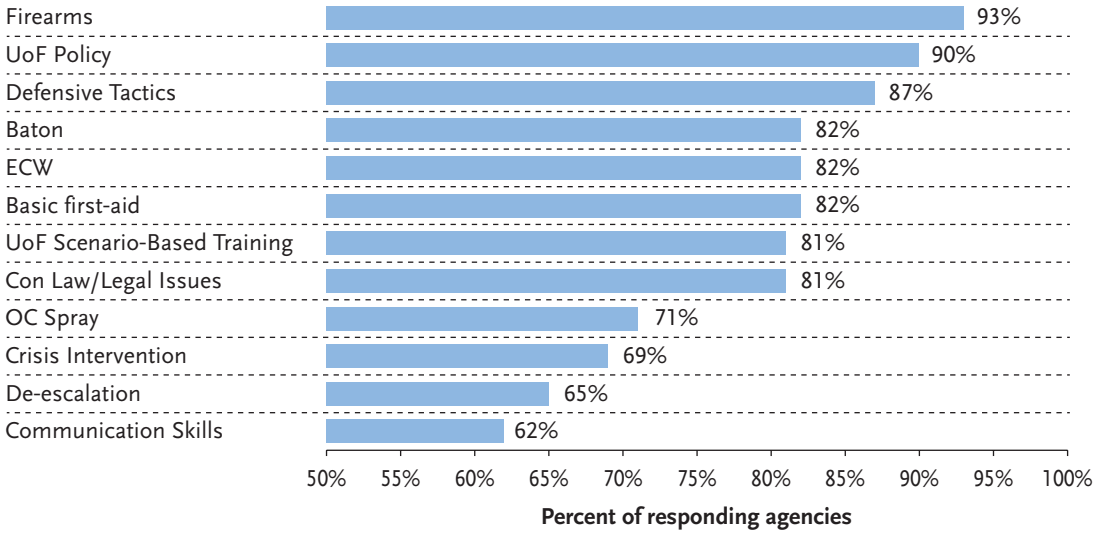


Source: Police Executive Research Forum

In-Service Training: "Please indicate whether your academy provides the following types of in-service training (required training for all current officers) and the approximate number of hours required in your in-service training program."

The survey found that 93 percent of responding agencies provide in-service training on use of firearms, while 69 percent provide training on crisis intervention skills (for responding to calls involving persons with mental illness or other conditions that can cause erratic behavior), and only 65 percent provide in-service training on de-escalation skills.

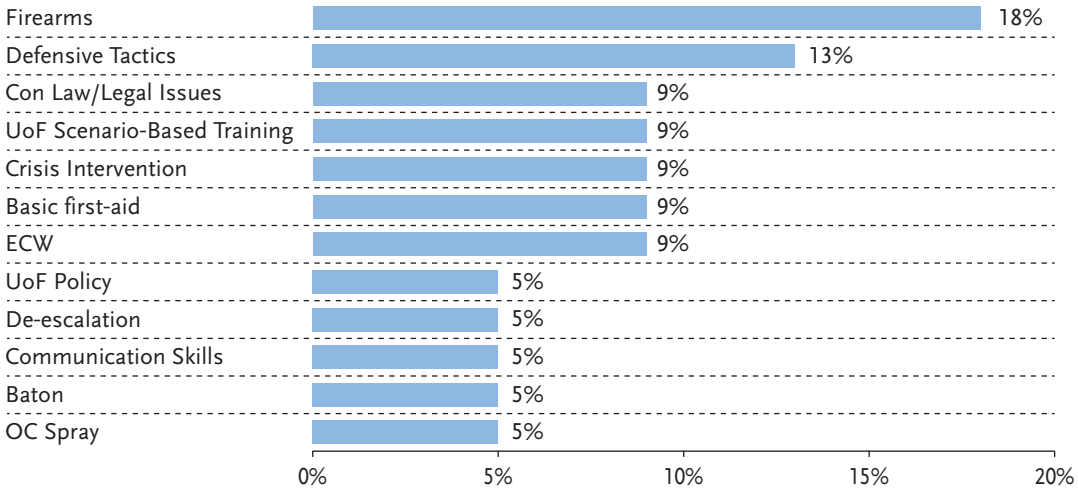
Agencies with Use-of-Force In-Service Training in...



Source: Police Executive Research Forum

The in-service training priorities are evident in the percentages of use-of-force training hours devoted to various subjects. The largest amount of time, 18 percent of the total hours devoted to in-service training, is spent on firearms training, and another 13 percent is spent on defensive tactics. Police agencies also devote some time to scenario-based use-of-force training, Crisis Intervention training, and de-escalation skills.

Percent of In-Service Hours Spent on...



Source: Police Executive Research Forum

Controversial Incidents and Issues Regarding Police Use of Force

PERF BEGAN ITS MAY 7, 2015 CONFERENCE BY showing participants a number of recent videos involving controversial uses of force by police (most of which were familiar to all participants), in order to focus attention on several key issues, such as how to handle encounters with mentally ill persons, and strategies for officers to protect themselves and avoid having to resort to using deadly force.

Following the screenings, participants were asked to offer their perspectives about the lessons that could be taken from the incidents.

A number of the incidents captured in the videos involved subjects armed with knives, screwdrivers, or other weapons—but not firearms. The so-called "21-foot rule" (see next page) figured in the discussion of these "edged weapon" incidents.

The videos screened at the PERF meeting include the following:

North Charleston, SC: On April 4, 2015, Officer Michael Slager fatally shot Walter Scott, an African-American man, who fled on foot following a traffic stop. A passer-by happened to record the shooting on video. Officer Slager has been indicted on a first-degree murder charge. https://www.youtube.com/watch?v=XKQqgVlk0NQ

Cleveland: On November 22, 2014, a Cleveland officer fatally shot Tamir Rice, a 12-year-old African-American boy, seconds after arriving at the scene of a call about "a guy [in a park] with a pistol, pointing it at everybody." Video from a surveillance camera shows the police arriving at the scene, and shows Rice falling to the ground at the moment the police car came to a stop, several feet away from Rice. The pistol turned out to be a BB gun. https://www.youtube.com/watch?v=7Z8qNUWekWE

Dallas: On March 19, 2015, video from an officer's body-worn camera was released showing an incident in June 2014 in which officers fatally shot Jason Harrison, a mentally ill African-American man. Harrison's mother had called the police to her home because she needed help handling him. https://www.youtube.com/watch?v=r0OWDaTZtsQ

St. Louis: On August 19, 2014, St. Louis officers fatally shot Kajieme Powell, a suspected shoplifter carrying a knife who shouted "Shoot me" at the officers. https://www.youtube.com/watch?v=PT9srCJd9Is

Pasco, WA: On February 10, 2015, Pasco, WA police officers fatally shot Antonio Zambrano-Montes Police, an unarmed Hispanic man who had been throwing rocks at people and vehicles. https://www.youtube.com/watch?v=y-0uqFTBclo

Albuquerque: On March 16, 2014, Albuquerque officers fatally shot James Boyd, a homeless man who was camping in the hills above the city. As of June 2015, a special prosecutor was seeking second-degree murder charges against two of the officers.[15] https://www.youtube.com/watch?v=JwytoxMuk4U

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15. "Two Albuquerque police officers face second-degree murder charges in shooting." Reuters. June 22, 2015. http://www.reuters.com/article/2015/06/22/us-usa-police-new-mexico-idUSKBN0P226520150622

What Is the Origin of the "21-Foot Rule," And How Has It Impacted Police Use of Force?

The discussions at the PERF conference began with a discussion of the so-called "21-foot rule," which holds that police officers are in potential danger any time they are within 21 feet of a person armed with a knife.

Police officials at the PERF conference said that the 21-foot rule is too simplistic, because officers facing a person with a knife should not be focused solely on their distance from the subject. Rather, officers should be considering the totality of the situation, and should be asking themselves questions about the nature and severity of the threat, the options they may have, whether additional officers and resources can be summoned, what the officer can say to the person in order to de-escalate the encounter, and other factors.

Many police training academies across the nation have taught officers about the 21-foot rule for 20 years or more. But many police officials are not familiar with the origins of the concept.

In a May 2015 article,[16] *New York Times* reporter Matt Apuzzo traced the 21-foot rule to a Salt Lake City officer, Dennis Tueller, who in 1988 "performed a rudimentary series of tests and concluded that an armed attacker who bolted toward an officer could clear 21 feet in the time it took most officers to draw, aim, and fire their weapon."

An article by Officer Tueller about his findings, titled "How Close Is Too Close?" was published in the March 1983 issue of SWAT magazine.[17]

"We have done some testing ... and have found that an average healthy adult male can cover the traditional seven yard distance in a time of about one and one-half seconds," Tueller wrote. "It would be safe to say then that an armed attacker at 21 feet is well within your Danger Zone."

In 1988, Calibre Press, Inc. produced an 84-minute training video for police titled "Surviving Edged Weapons."[18] This video provides an analysis, with demonstrations, of how quickly an offender can run toward a police officer and attack the officer with a knife, compared with how quickly an officer can draw and fire his gun to defend himself against the attacker. The demonstration of the 21-foot rule begins at approximately 43:00 and continues to 45:00. The announcer explains:

With a reactionary gap [between the officer and the attacker] of about 1 foot or less, it's impossible for you to react quickly enough to even touch your holstered firearm once the attack begins.

At about 5 feet, the average officer can't even get his sidearm unholstered. Unless your sidearm or baton is already out, you'll have to rely on physical control at 5 feet or less.

At about 10 feet, you might get your sidearm out, but you probably won't get a shot off. A suspect with a knife can close seven paces and deliver deadly force in less than one and one-half seconds....

At about 15 feet, your chances get a little better if you're alert, anticipate danger, and are skilled with your equipment. But to deliver 2 rounds, center of mass, your hand would already have to be on your sidearm when the attack begins.

Tests with hundreds of officers reveal that in most cases, a minimum reactionary gap of

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16. "Police Rethink Long Tradition on Using Force." May 4, 2015. *New York Times*. http://www.nytimes.com/2015/05/05/us/police-start-to-reconsider-longstanding-rules-on-using-force.html?_r=0
17. Dennis Tueller. "How Close Is Too Close?" SWAT magazine. March 1983. http://www.theppsc.org/Staff_Views/Tueller/How.Close.htm
18. "Surviving Edged Weapons." Calibre Press, Inc. 1988. https://www.youtube.com/watch?v=Q-lDtCHFmvg

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Montgomery County, MD Chief Tom Manger:

Being Within 21 Feet of a Knife Is Not a Green Light to Use Deadly Force

When training officers first started talking about the "21-foot rule," it may have put the idea in police officers' minds that if you had someone with an edged weapon within that distance, you had a "green light to shoot." But that is not what we want our officers to think.

It makes a difference if the person with the knife is threatening someone, or is holding a knife up to a person's throat, as opposed to sitting on a bench with a knife or walking around with a knife, when no one is near them.

Police officers are in a difficult situation. They may think, "What if the guy goes after someone with the knife?" There could also be situations where

Montgomery County, MD Chief Tom Manger

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21 feet is required to react and deliver at least two rounds and to have enough time to move out of the attacker's path.

In his 1983 article, Officer Tueller called on officers to use defensive strategies and tactics if they are confronted with a person with a knife:

First, develop and maintain a healthy level of tactical alertness. If you spot the danger signs early enough, you can probably avoid the confrontation altogether. A tactical withdrawal (I hesitate to use the word "retreat") may be your best bet....

Next, if your "Early Warning System' tells you that a possible lethal confrontation is imminent, you want to place yourself in the best tactical position available. You should move to cover (if there is any close at hand), draw your weapon, and start to plan your next move.

Why use cover? ... Because you want to make it hard for him to get to you. Anything between you and your attacker (trash cans, vehicles, furniture, etc.) that slows him down buys you more time....

However, police chiefs at the PERF conference said that unfortunately, the "21-foot rule" has been taught informally in police training academies and in some cases, it has morphed into an incorrect way of thinking.

Instead of seeing the 21-foot rule as a general warning to think defensively and protect themselves when confronted by a person with a knife, some officers came to see the rule as a legal justification to shoot a person with a knife who is less than 21 feet away, a number of chiefs said.

So instead of protecting officers' safety, the rule has been cited to justify the use of deadly force in incidents when other tactics might have allowed a resolution of the situation without deadly force.

ABOVE: John Timoney, Advisor to the Minister of Interior, Bahrain
BELOW: Washington, DC MPD Chief Cathy Lanier

police officers think they have to wait for the armed person to make some kind of move, and then it may be too late to stop them from hurting an innocent victim. I wonder what the reaction from the public will be. Will they say, "Why didn't the officer take more affirmative action to stop this threat before someone was hurt?"

It's a tough call to make, but we have to make sure that cops know that they need to approach it more thoughtfully, and just because they are within 21 feet of someone who has a knife, that doesn't mean they have a green light to use deadly force. If lives aren't in danger, don't put yourself within those 21 feet.

John Timoney,
Advisor to the Minister of Interior, Bahrain:

"Safety Zone" Concept Was Corrupted And Became a 21-Foot "Kill Zone"

In the NYPD, we changed the policy on emotionally disturbed persons and we created the concept of a 20-foot "zone of safety." And the idea was that as the emotionally disturbed person is moving, you're backing up or going parallel, to keep yourself 20 feet away and in a zone of safety.

But somehow that idea got corrupted, and at conferences I started hearing about a "kill zone." Somehow, the idea became that if you're less than 21 feet away, you can shoot. How the hell did it become a kill zone? There's something wrong with that. It should be a zone of safety, and *you move to stay within your zone of safety.*

Washington, DC MPD Chief Cathy Lanier:

The 21-Foot Rule Does Not Mean You Can Move Toward the Threat and Shoot

Bad tactics lead to a lot of police uses of force. And when a bad tactic leads to a death of someone, how do we handle that? I think the mentality of policing is, "Well, it was the officer's poor judgment. It was a mistake, but he had to shoot the guy because the guy was getting ready to stab him with a screwdriver."

But that officer went through training that said, "Don't get that close to a person who is armed, if you have the time and opportunity to create some distance."

So how do you handle that? Most often, those officers are not going to be prosecuted criminally. But now you have an employee whose failure to follow the policy and training you provided has resulted in a death. And our primary mission is the preservation of life. So how do we deal with that issue?

There's no room for mistakes in this line of work, because somebody can die if you don't follow what we teach you to do in these circumstances.

Wexler: I remember you saying that the big change in your department was in going from

ABOVE: Oakland, CA Deputy Chief Danielle Outlaw
BELOW: Las Vegas Deputy Chief Kirk Primas

"could" to "should." If you had to cite the one or two things that made the big change in reducing force in DC, what would they be?

Chief Lanier: First and foremost, it's the change in thinking among the officers. The question is not, "Can you use deadly force?" The question is, "Did you *absolutely have to* use deadly force?"

So we started to look at it from the standpoint of a decision-point matrix. You start from the beginning and look at each and every decision the officer made prior to using force. And you ask: Where was the first decision that went wrong that led to having to use force later?

And the 21-foot rule was a huge driver in this. A lot of our shootings involved people with mental health issues armed with a knife, up on a porch, 30 feet away.

And instead of taking cover and waiting, the officers would approach and shoot, and then say, "Well, we were justified in shooting; the person was within 21 feet and had an edged weapon."

So it was about changing the mentality within the department that you are *not* justified in shooting in that case.

The question is not that you can, it's whether you absolutely had to. And the decisions *leading up to* the moment when you fired a shot ultimately determine whether you had to or not.

Las Vegas Assistant Chief Kirk Primas:

We Don't Train to the 21-Foot Rule; We Train Officers to De-Escalate

The 21-foot rule has been misunderstood. All it says is that a person can present an edged weapon and then close a 21-foot gap before the officer is likely to unholster and fire their firearm, and step off of the line of attack.

The Las Vegas Metro Police Department trains officers to be aware of this guideline, and that it isn't a steadfast rule or policy. All training the officers receive, whether during the baseline instruction to the brand new officer, or with advanced skills after completing field training, has the strong emphasis on de-escalation. That is the concept that we consistently train all officers in. We want officers to use their tactics, create distance, lag-time, use a barrier, and avoid being in a situation where you have to consider deadly force in the first place.

We emphasize that if you're in a situation where you're going to use deadly force, by definition your life is in danger and the lives of everybody around you are in danger, so it's better to avoid reaching that point.

The cornerstone of our policy is a statement about the sanctity of human life, which says that "the department respects the value of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances."

Oakland, CA Deputy Chief Danielle Outlaw:

We Train for Sound Decision-Making, Not a Set Rule Like the 21-Foot Rule

Wexler: Danielle, you've been through it all in Oakland. You had a consent decree, you re-engineered your training. Tell us about the 21-foot rule in Oakland.

Chief Outlaw: There was a time when we trained and incorporated the philosophy of the 21-foot rule coupled within the totality of the circumstance, but like other agencies, we've evolved on it, based on case law and best practices.

Today we don't teach any set rule or distance for dealing with a threat. We teach officers to consider all of the issues—distance, type of weapon, suspect characteristics, the officer's abilities, the suspect's intent, means, opportunity and ability, the severity of the crime, whether the suspect is an immediate threat, and whether the suspect is attempting to evade arrest.

We've also stepped up our emphasis on de-escalation into our range training and scenario-based

Use-of-Force Justifications Questioned

The Force Science Institute is an organization based in Mankato, MN that offers police training and consulting services. The institute defines its mission as "the study of human dynamics in high stress, rapidly unfolding force encounters. Through classes and consultation, the Institute strives to facilitate the application of Force Science concepts during investigations, training and the evaluation of officers' behavior during these encounters."[19]

Dr. Bill Lewinski, founder and director of the institute, says his focus is on "the research and application of unbiased scientific principles and processes to determine the true nature of human behavior in high stress and deadly force encounters. Force Science's groundbreaking, reproducible studies address real problems encountered by law enforcement officers on the street and are meticulously documented."[20]

However, a recent *New York Times* article called into question the role of the Force Science Institute in defending officers against allegations of excessive use of force, and in training officers:

> *"When police officers shoot people under questionable circumstances, Dr. Lewinski is often there to defend their actions. Among the most influential voices on the subject, he has testified in or consulted in nearly 200 cases over the last decade...*
>
> *His conclusions are consistent: The officer acted appropriately, even when shooting an unarmed person. Even when shooting someone in the back. Even when witness testimony, forensic evidence or video footage contradicts the officer's story....*
>
> *In addition, his company, the Force Science Institute, has trained tens of thousands of police officers on how to think differently about police shootings that might appear excessive....*
>
> *[Lewinski's] research has been roundly criticized by experts. An editor for The American Journal of Psychology called his work "pseudoscience." The Justice Department denounced his findings as "lacking in both foundation and reliability."*[21]

19. http://www.forcescience.org/ourmission.html
20. http://www.forcescience.org/whatwedo.html
21. "Training Officers to Shoot First, and He Will Answer Questions Later." *New York Times*, Aug. 1, 2015. http://www.nytimes.com/2015/08/02/us/training-officers-to-shoot-first-and-he-will-answer-questions-later.html

FAR LEFT:
National Tactical Officers Association Executive Director Mark Lomax

LEFT:
Woburn, MA Chief Robert Ferullo, Jr.

training exercises. We try to train for sound decision-making under stress, instead of pushing a set way of doing things, because there are a million different scenarios and it's impossible to cover every one of them.

Executive Director Mark Lomax, National Tactical Officers Association:

There Are Better Ways to Do Things

Wexler: Mark, as you watch these videos (see page 13), are you thinking there's another way we should be operating?

Mark Lomax: Yes, over the last couple years as I've been with the NTOA, we have reviewed these incidents and have determined that there may be better ways to do things, especially when it comes to crowd control, which we saw in Ferguson. We advocate using the mobile field force for crowd control, as opposed to use of SWAT teams.

And as for the 21-foot rule, we shouldn't use a "rule" when we aren't even sure exactly where it came from. We must look at the totality of the situation. Has the suspect just stabbed someone and now he's running at you with knife pointed at you? Or is it a mentally ill person who may want to commit suicide, walking toward you with the knife at his own throat? Do you really need to shoot the mentally ill person?

Woburn, MA Chief Robert Ferullo, Jr.:

Tactical Retreat Also Can Safe Officers' Lives

Chief Ferullo cited a December 2010 incident in which Woburn Officer John Maguire responded to a robbery in progress. He confronted one of the suspects and began a foot pursuit. The suspect fatally shot Officer Maguire, who returned fire and killed the suspect.[22]

I tell my officers that if the guy with a knife isn't going to hurt anyone else except maybe you, there is no shame in tactically retreating and calling for backup.

Wexler: What do you mean by "tactical retreat"?

Chief Ferullo: Essentially you step back and put a wall around the situation. This can apply to situations involving firearms as well. We had an officer killed in an armed robbery at a jewelry store, after he drove into the hot zone. We knew that there were two armed guys outside the jewelry store, because we had a guy who had taken cover in a back room of the store, talking to us.

Wexler: So tactical retreat can be an officer safety issue?

Chief Ferullo: Absolutely.

22. "Officer Down Memorial Page." http://www.odmp.org/officer/20626-police-officer-john-b-maguire

Shooting at Moving Vehicles And Other Issues

The discussions at the PERF conference then turned to other use-of-force issues, including policies on shooting at moving vehicles, tactics for officers to keep some distance between themselves and potential suspects, foot pursuit policies, and the role of police "culture" in implementing reforms:

John Timoney
Advisor to the Minister of Interior, Bahrain:

A Tight Policy on Shooting at Vehicles Cut Total Shootings by 90% in NYC

New York changed its policy radically in 1972, when they came out with new shooting guidelines, and the most effective change was that you could no longer shoot at an automobile unless the occupants of the vehicle were using deadly physical force other than the vehicle.

When that policy came out, I was working in the South Bronx, and cops used to shoot at cars all the time. The new policy took effect mid-year, and the immediate impact was that in the latter part of that year, total shootings decreased by half.

Back in the days when I was a young cop, around 1971, the NYPD killed between 90 and 100 people each year, and we were also losing 10 or 12 cops a year. It was 13 in 1972. Today, the most recent records are for 2013, and there were 8 people killed and 7 wounded by the police. So fatal policing shootings are down more than 90 percent.

And back in 1971 there were over 800 police shootings reported. And there were a lot that weren't reported—warning shots, chases. Now it's 70 or 80 shootings a year, compared to at least 800 back then. Again, down more than 90 percent.

Wexler: But with 13 cops killed in 1972, it must have been brave for the bosses to change that policy.

Timoney: Absolutely, but the department got with the program.

Wexler: You know what's interesting, that policy on shooting at cars—40 years later—is still controversial in many places. Some departments don't have it. But has any NYC officer ever lost their life because of that policy?

Timoney: No.

Wexler: As you look at what's happening in this country today, what's your big picture view?

Timoney: I think police departments now are much better than they were 20, 30, 40 years ago. But for a whole host of reasons, for the last year or so, with all the videos we've seen on social media, it's given us pause. We've all seen the videos, and it's hard to justify a lot of what we've seen.

My feeling is that if a cop gets involved in a shooting with a guy who's robbing a bodega or a liquor store, the public doesn't really care too much. That's the cost of doing business if you're an armed robber.

But every city has these situations where police use force against mentally disturbed people or homeless people. These are tragic situations that cause an uproar in the community. One of the things I constantly emphasize is the need to "slow it down" and de-escalate. In 2003 I was appointed chief in Miami, and because of the good weather there, there's a homeless population that's extraordinary. And one thing we know about homeless people is that they can be very dangerous; make no mistake about that. But very seldom are they carrying a gun. They may have a knife or a bat, but not a gun. So rather than having police use guns, why wouldn't you want to give the cops an alternative? In Miami, we issued all police officers Tasers. And it's always hard to measure prevention, but we went 20 months without discharging a single bullet.

One other suggestion: I think use-of-force policies should be brief and to the point. The NYPD's shooting guidelines have been in effect, with minor changes, since 1972. It's one page. There's a preamble paragraph and then seven "do's and don'ts." That's it. There's also separate parts of the patrol guidelines that deal with emotionally disturbed people and other issues that could apply to the force guidelines.

When I showed up in Philadelphia and Miami, the use-of-force policies were closer to 20 pages. They threw everything but the kitchen sink into the

Roanoke County, VA Chief Howard Hall

policy. When it's like that, it's difficult for the officers to understand how it all fits together.

So I wanted to implement a policy like the NYPD, which was working pretty well. Essentially it says that you use the minimum amount of force necessary and you only use force that is proportionate and necessary.

My recommendation is to keep a very simple policy if possible.

Roanoke County Police Chief Howard Hall:

In Some Cases, We Are Seeing Failures To Adhere to Longstanding Tactics

I think that some of the most notable incidents we've seen around the country reflect a failure to use the tactics that we have been teaching for years. It was almost 29 years ago when I was in the Academy, and I still remember a few things about what we were taught back then.

For example, we were taught never to approach a suspect, whether it's a suspect from an armed robbery or a jaywalker, from your car. We saw the video from Cleveland, where those officers believed going in that they were approaching someone with a weapon. But they drove within a few feet of him.

Or in Ferguson, the officer approached Michael Brown in his car. And I remember the instructors in the academy telling us 29 years ago why you shouldn't do that—because the person can reach in the car and touch you.

So to some degree, we're talking about new tactics, but it's also about reinforcing the tactics that we've been teaching for years, and making sure that our officers are using that training in the field to keep themselves safe.

Camden County, NJ Chief Scott Thomson:

Remember That Culture Trumps Policy

Something Chuck Ramsey said recently resonated with me. He said that when we're talking about training, it's important for chiefs to sit in on the training, so they can see exactly how the officers or recruits are being instructed. What's on the piece of paper is often not the method in which our cops are being instructed for how they should perform in the field.

Since we started the new county-based police department two years ago, we have made a big effort on reality-based training. We have about tripled our hours spent on use of force and de-escalation.

In the past, we spent a lot of time teaching

Camden County, NJ Chief Scott Thomson

Flint, MI Chief
James Tolbert

officers how to handle guns, but not enough on when to draw your gun in the first place. Today we don't just focus on how to draw and shoot, but more on how to avoid the need to draw and shoot. It's about time, distance and cover: giving yourself more time to assess the situation and formulate a response, and using distance and cover to your advantage.

It's important for us to reward restraint. I recently adopted a model that is very similar to Las Vegas's, starting with the statement about the sanctity of human life. Our firearm should be the tool of absolute last resort.

We talk about policy, and policy is important, but culture will trump policy every time. Some of this is about semantics. For example, we can't use the word retreat. If we say "tactically reposition," everybody's for that. Nobody will retreat, but everybody will tactically reposition.

It's very important that we address all these issues, because right now our credibility is at stake. Often in police culture, we believe that if an indictment doesn't come, it's a validation of the officer's action. But that's not necessarily how the community sees it. Chuck, I completely agree with what you have said recently; in many communities, we have lost the faith and confidence of the American people. And if we no longer have that, then we have lost their consent.

So it's important for us to be very forward-leaning and to address these issues in a meaningful way. We need to see things through the lens of how the public sees it, not just through our own lens.

Flint, MI Chief James Tolbert:

We Should Teach Officers To Throttle Back When They Can

We need to develop strategies for getting a person under control without using force, or using minimal force, if at all possible. We also need to teach officers to throttle back when they can. For example, maybe there should be a limit on how many officers can pile onto a suspect. One or two officers get a suspect under control, but other officers arrive and start dogpiling, because it looks to them that the situation is not under control. We need better training on these types of situations.

Dallas, TX Assistant Chiefs Tom Lawrence and Charles Cato:

We Have Developed New Policy Governing Foot Pursuits

Chief Lawrence: On the 21 foot rule, nobody really ever put that in writing, but it's consistently reinforced at the Academy. It just gets handed down from one generation of instructors to the next. It is taught, it is a practice that has been in place for decades.

Wexler: And the idea is that you're going to get hurt. It's either him or you, right?

Chief Lawrence: Yes, and that the main issue is always, "I've got to go home at the end of the day."

And the second issue is the foot pursuit policy. We had incidents a couple years ago of police shootings at the end of a foot pursuit. Both shootings were justified, but we wanted to go back and look

Dallas Assistant Chiefs Thomas Lawrence (FAR LEFT) and Charles Cato (LEFT)

at what happened before the shooting and how we got there.

And that prompted us to revisit our foot pursuit policy. This is strictly training, there is no discipline associated with it, but we produced a video that gives officers an opportunity to think about tactics, and think about alternatives. This is something new; I was never trained in foot pursuits. It was just, "Run as hard as you can, and whoever is faster will win."

Wexler: But some cops will say, "What, we're not going to chase people anymore?"

Chief Lawrence: No, it's a question of tactical considerations. For example, don't chase three people if you're by yourself.

Wexler: Or if you know who the person is, perhaps you can get a warrant later and arrest him in a safer way. Or you just ask yourself whether it's worth it to do a foot pursuit, if the underlying crime is minor.

Something must happen to you during a foot pursuit, biologically, psychologically. You're running hard and you catch up, and it becomes emotional. What do you think, Charlie?

Dallas Assistant Chief Charles Cato: Yes it's an adrenaline dump that occurs. Physiological changes happen in your body. Your heart rate increases, your respiratory rate increases, you lose your fine motor skills, the fight-or-flight syndrome kicks in, and it can affect your cognitive ability. In a stimulus-response situation, we want you to do the thinking *before* you get to that point.

Crisis Intervention Teams: A Key to Minimizing Use of Force

MANY OF THE MOST CONTROVERSIAL USES OF force by police have involved persons with mental illness or other conditions that can cause them to behave erratically and dangerously, such as mental or developmental disabilities, or histories of drug or alcohol abuse.

It is critically important that all police officers have an understanding of these conditions—especially the fact that a person's failure to respond to an officer's commands may be due to an inability to understand or respond reasonably what the officer is saying. Deafness and limited language skills also can result in a person failing to respond to an officer's orders.

In some cases, suicidal persons try to commit "suicide by cop"—i.e, threatening an officer with imminent harm in order to force the officer to use deadly force.

A number of participants at PERF's conference said that in addition to providing officers with basic training in "crisis intervention," police agencies that have not already done so should create Crisis Intervention Teams (CITs). These teams are made up of specially trained police officers and mental health workers.

The police and mental health workers respond as a team to critical incidents, and also work to resolve the underlying problems of "chronic consumers" whose conditions result in repeated calls to the police.

Having Crisis Intervention Teams (as well as a basic level of crisis intervention training for all officers) is preferable, because the teams develop a level of expertise and familiarity with the people who are involved. This can result in reduced calls for service, to the extent that the teams help persons with mental health to obtain treatment. And when the police are called, the outcomes are improved if the responding officers and mental health workers know the people and their histories.

Richmond, CA Chief Chris Magnus:

We Have Crisis Intervention Teams Of Police and Mental Health Workers

One of the things I think we can do beyond CIT training, although that's really important, is to be a little more proactive in the mental health area.

One thing we're starting to do, and I know there are many other departments looking at this, is teaming up officers who have received specialized training on mental illness with county mental health workers.

These officers get information pushed to them from patrol officers who know who the dangerous or problematic mentally ill people are—the people who are the subject of calls over and over again.

So these teams of officers and mental health professionals are going out—not in a moment of crisis, but at another time—going to the house and talking to these people, making sure that they're on a mental health care plan, that they're taking their medications, talking to the family members, and trying to see that everyone has a strategy going forward.

I think this proactive part is the key, because once you hit the moment of crisis, even with

Richmond, CA Chief
Chris Magnus

CIT-trained officers, your options dwindle and your ability to be successful can be limited. But by making contacts before the crisis, you can head it off before it gets to that point.

Mike Woody, President, CIT International:

Crisis Intervention Teams Work Better Than Giving All Officers a Little Training

Yes, as Chief Magnus suggests, in CIT, the T stands for "team," not "training," and that's very important. It's about creating a Crisis Intervention Team of special police officers, and the team is made up of law enforcement, mental health providers, and advocates working together for the greater good of the community and to troubleshoot any problems that may arise within this alliance.

At CIT, we feel we have the backing of DOJ in most of the consent decrees in the last few years, as they and we do not endorse all officers going through CIT training. Why? For the same reason you don't make all officers SWAT team members. You need special officers for special people.

I think we can all agree that all departments, or at least the larger departments certainly, must have officers who are wearing that CIT pin and who have a lot of pride in it. They go out there and they do a great job. And it goes so much better when you have experts handling the calls.

A 40-hour course does not make an officer an expert at handling these calls. When you have specialized officers who are assigned these calls, they become experts at it.

And they handle the repeat calls, and go to that same address again and again if necessary, so they are able to build up a rapport with the person, and they know what works and what doesn't work for each individual.

John Timoney,
Advisor to the Minister of Interior, Bahrain:

The Existence of Special CIT Officers Has a Tendency to Slow Situations Down

I'd like to add a quick comment on the CIT program. The one in Miami is exactly the way Mike Woody described it. And it works very well with select officers.

An advantage of having specific officers for CIT who are specially trained—and who get extra pay, by the way—is that when the other officers who have not received the special CIT training encounter an

Michael Woody,
President, CIT International

Clearwater, FL Chief
Daniel Slaughter

emotionally disturbed person, they back off and say, "I'll call the CIT officers."

So that in itself has a way of de-escalating and slowing the situation down.

Clearwater, FL Chief Dan Slaughter:

Crisis Intervention Skills Are Evolving, So We Are Creating Refresher Training

I'm working with the mental health officials in our area to create refresher training. We've been doing crisis intervention training for over a decade, and about 70 percent of our officers have received the training. But I think it's important to recognize that the skills are perishable, and the field is evolving; there are new tactics and new information. So I think it's important that we create a refresher course.

Laura Usher, CIT Program Manager, National Alliance on Mental Illness:

Teach Your Officers to Understand What a Person Living with Mental Illness Is Like on a Good Day

I liked what Captain Teeter from Seattle said about this being a building process, and about having an advisory committee of community stakeholders who can provide feedback throughout the process (see pp. 57–59).

When we at NAMI look at whether a CIT program is just "checking a box," as opposed to really investing in it, we look at whether the training encourages officers to interact with people with mental illness and understand what they're feeling. Officers should develop a sense of empathy for the individuals and their families, and gain an understanding of what people with mental illness are like on a *good* day, rather than just seeing them on their worst days. I think the best way to change the culture around mental illness is to have officers interact with people with mental illness outside the chaotic environment of responding to a call for service. Putting that human face on the issue can help convey the purpose of this training to officers.

We also want to see officers receive continuing direction and guidance from their supervisors, instead of just being given the initial training and told to "go out and do it." We want this to be a learning process over time, not just a one-off training.

We also look to see if there are community partnerships in place, with groups like local mental health providers and community groups

Laura Usher, Program Manager,
National Alliance on Mental Illness

Elk Grove, CA Chief
Robert Lehner

representing individuals with mental illness and their families. Those organizations can provide your agencies some resources—where to take a person in crisis at 3 a.m. or on the weekend—and also provide input on policies and training. And if there is a tragedy, your partnership with these organizations can give you some credibility on these issues with the public as well as a path forward.

Michael Woody: In my teaching across the country, I usually can't get to the issues on de-escalation until Thursday or Friday of the week-long training, because officers don't usually come in with empathy and a realistic view of mental illness. That's because the nature of policing is that officers see mentally ill people when they're in crisis. But once officers have seen the mentally ill on a good day, met their family members, learned about the side-effects of medications, etc., they're ready to accept the de-escalation training.

And I want to mention that there have been a few CIT programs that have done studies about what kinds of weapons the mentally ill are more likely to carry, and it's usually the edged weapon.

Elk Grove, CA Chief Robert Lehner:

Officers Do Come into Contact With Mentally Ill Persons Carrying Guns

In the three states where I've worked, my officers have come into contact with mentally ill persons armed with firearms. I appreciate what we're saying about edged weapons, and those certainly call for different tactics. But to say that it's very rare for officers to come into contact with mentally ill people carrying firearms would be a mistake.

When I was in Eugene, Oregon, we had an incident in which a mentally ill individual fired a number of shots at one of my officers. The officer's partner returned fire and killed the individual. We implemented a new Crisis Intervention Team while I was there. After I left Eugene, the lead trainer on our CIT was involved in a stop. As he approached the car, a mentally ill woman turned around, shot him multiple times, and killed him. If anyone would have had the training to defuse that, he did.

Maybe my experience is anecdotal, but I don't think it's unique in the United States.

"Warriors vs. Guardians": Recruiting Officers Who Are Suited to the Mission of Policing

TRAINING OFFICERS TO DE-ESCALATE ENCOUNTERS and minimize the use of force is critically important, and police officials at PERF's conference said it is also important to recruit officers who have a realistic understanding of what policing is about. On a day-to-day level, they said, most officers spend most of their time providing services to the community. Relatively little time is spent making arrests or engaging in other activities that involve weapons and use of force.

A police agency's website can provide potential job applicants with a sense of how the department sees its mission and its relationship with the community. Many police agency websites provide short videos about the department.

Police chiefs at the PERF conference said it is important to be careful about the messages that are transmitted through such videos. Recruitment videos should reflect the realities of the nature of police officers' jobs on a day-to-day level, and should not emphasize the use of force, they said.

Decatur, Georgia has used a recruiting video that emphasizes the ideas of community policing, crime prevention, and high standards of professionalism in policing: https://www.youtube.com/watch?feature=player_embedded&v=cIgt8pmh7CU

By contrast, a police recruiting video that emphasizes high-power weaponry and use of force is found on the website of the Denison, TX Police Department. The video ends with the following quotation: "People sleep peaceably in their beds at night only because rough men and women stand ready to do violence on their behalf." https://www.youtube.com/watch?feature=player_embedded&v=QfG3mDfPK80

The discussion at the PERF conference began with a viewing and discussion of the Denison video:

Charlotte-Mecklenburg Chief Rodney Monroe:

We Must Weed Out Candidates Who Think Policing Is All About Weapons

As disturbing as [the Denison, TX] video is, and few of us would advertise ourselves in that way, I think that in some cases the people who want to become police officers see that in their own mind, and they come to us to be that. And the state standards that we must use to some extent attract that kind of person. So we have to do a much tougher job of weeding out candidates who think that that's what policing is about. And we must look for opportunities to change that image.

Elk Grove, CA Chief Robert Lehner:

It May Be Difficult to Shift From Warrior to Guardian Concept

I think it's interesting that when you see commercials on TV to attract people to the military, you don't see that kind of stuff [that was portrayed in the Denison video]. What does that tell us about police organizations that would advertise like that?

On the warrior vs. guardian issue, the day before yesterday, I attended a Police Week memorial service in Sacramento. I noticed that the term

"warrior" was used at least three times in the course of that solemn service, beginning with the invocation by the chaplain.

The concept of police officers as warriors, whether we like it or not, has run through our profession, certainly for the almost 40 years I've been in it. I think we should make an adjustment, and I wonder how that adjustment is going to be accepted by the rank and file of our profession, when we have drilled that concept of warrior into them from the beginning, and as "guardian," not so much. I think we need to confront this issue, however.

One of the things I have done as chief in Eugene and in Elk Grove is to ensure that our use-of-force training and firearms training for our rank-and-file officers are not designed exclusively by SWAT team members, whose tactical perspective is necessarily different than routine patrol.

ABOVE: Charlotte-Mecklenburg Chief Rodney Monroe
BELOW: Leesburg, VA Chief Joseph Price

Leesburg, VA Chief Joseph Price:

The "Wars" on Crime, Drugs, and Terrorism Contribute to the Warrior Mentality

When you ask police officers why they chose to become an officer, most of them say they wanted to help people and help their community. This is consistent with the guardian mindset.

So how did we become warriors? I think it's partly because political leaders have put us in wars—the war on drugs, the war on crime, the war on terror, the war on gangs. Police chiefs didn't come up with those names; they were coined by political leaders.

We need to change that mindset, to teach officers that at times they may need to fight like a warrior, but most of the time they need to have the mindset of a guardian. A warrior comes in, takes over, does what he needs to do, and leaves. That's not what we want our cops to do. We want our cops to be part of that community and to solve problems—not *for* the community, but *with* the community.

Many inappropriate uses of force result from officers thinking, "I can't back down; I need to win at all costs." But that's not smart policing or effective tactics. We need to do a better job of training officers to control their adrenaline and try to defuse physical confrontations.

COPS Office Director Ronald Davis:

Today's Police Have a Difficult Job Requiring More Analytical Thinking

The discussion about reengineering use of force and changing from a warrior to guardian mentality has to be part of a larger discussion about reexamining the role of police in a democratic society, even to the point of how we structure police agencies.

If you think about it, if I have a patrol sergeant

RIGHT: COPS Office Director Ron Davis
FAR RIGHT: Knoxville, TN Chief David Rausch

leading a squad, that means my officers are equivalent to "privates" in the military. But what I want at the line level is people who in the military would be commissioned officers—people who think analytically and are entrusted with significant responsibility.

I think it's a very tough job to be a rank-and-file officer right now. When I came on in the 1980s as a cop, the mission was clear, the direction was clear, there was no ambiguity. We were to take bad guys to jail, and how many you took determined how fast you could skyrocket in the organization. Obviously there's a lot of collateral damage that came from that. And now we have officers who have to understand a lot more complexity.

Knoxville, TN Chief Dave Rausch:

We Changed Our Force Terminology To "Response to Resistance"

Sometimes the terminology we use can be important. For example, our police department changed the term "use-of-force report" to "response to resistance report." And since we made that change, we have seen a decline in uses of force. "Use of force" sounds aggressive. By changing the terminology, it tells our officers that the only time it is acceptable to use force is when you are responding to resistance. If you are responding to resistance, it's not an attack. That goes along with the guardian concept.

Luann Pannell, LAPD Director Of Police Training and Education:

We Should Evaluate Officers By What We Want Them to Do

Sometimes we send mixed messages to our officers. We're moving to tell them to "slow down" the response to some of these situations and show restraint, and not to rush to resolve the situation. But officers are still measured by response time and by how long they take on a call. We need to realize we are asking them to do X, while rewarding Y.

Houston Executive Assistant Chief Michael Dirden:

We Should Provide In-Service Training To Refresh Officers on Key Tactics

About 90 percent of what we do involves issues that are not really related to enforcing laws. We should spend a little more time from the beginning, helping young men and women to understand who we are, what we do, and why we are allowed to do it.

We talk a lot about tactics like cover and concealment. But if you look at the life of the average patrol officer, they may have attended a class on tactics in the Academy, maybe four or five years ago. And if you have 70, 80, 90 people in a Police Academy class, you're talking about an officer who received 10 or 15 minutes of training about these tactics over a five-year period. And we expect them

FAR LEFT: Los Angeles Director of Police Training and Education Luann Pannell
LEFT: Houston Executive Assistant Chief Michael Dirden

to remember that when they go out into that hostile situation. So we need to do a better job as leaders and teach this more often.

We need a greater emphasis on the idea that all lives matter. Our policies should reflect dignity and respect for all people. Officers must be taught that it's OK to stop, think, and re-assess a situation. And constitutional use of force is a minimal legal standard; we need to go beyond that. The best standard is to evaluate officers' behavior in terms of whether it's consistent with the mission, values, and guiding principles of the department.

Greenville, SC Chief Kenneth Miller:

Policing Is About Much More Than Just Law Enforcement

To me, only a third of our job is about law enforcement, but we refer to ourselves as law enforcement agencies, and our communities do the same. There's so much more that we do and must do to prevent crime and collaborate with our communities on issues they care about.

So we tell our officers to go out and be productive, and what are our measures? It's how many tickets they write, how many arrests they make, how many calls for service they answer. Our measures of productivity tend to be enforcement-based, and this reinforces this enforcement-minded culture.

I think that in many respects, this idea of police being "law enforcement" boxes us in, causes us to work at cross-purposes within our departments, and serves to isolate us from the communities and people we serve.

Sean Smoot, Chief Legal Counsel, Illinois Police Benevolent & Protective Association:

Officers Feel They Get Mixed Messages And Aren't Treated with Respect

Wexler: Sean, what's the officer's point of view on all this?

Sean Smoot: They'd say they're getting mixed messages. If they were in this room, they'd be

Greenville, SC Chief Ken Miller

RIGHT: Illinois Police Benevolent and Protective Association Chief Legal Counsel Sean Smoot
FAR RIGHT: Chicago Superintendent Garry McCarthy

hearing "warrior vs. guardian." They'd be hearing, "Is what you're doing legal, and it might be legal, but that doesn't mean it's right."

And we've been saying we want them to treat people with dignity and in a just way. But many officers don't feel that they're treated that way in their own departments. I think one of the key takeaways from the President's Task Force report was this notion that procedural justice has to be exercised *within* the police organizations as well as outside the organizations.

They also feel that this is the most dangerous time to be a police officer in the history of the United States. And I don't know if the statistics reflect that, but that's how they feel. It's about officers getting ambushed, and the level of resistance they get that is almost automatic now. They really feel that their lives are in danger.

Chicago Superintendent Garry McCarthy:

We Need to Discuss the Deeper Reasons For Lack of Trust in the Police

I think that as a profession, we are being held accountable for some things that we're not in control of, which is a bad place to be. For one thing, 75 percent of the people I fire get the firing overturned by an external arbiter. I'm responsible for discipline, but I don't have final control over it.

On a broader level, I think there are social, political, and economic issues that underlie what's happening in this country, and there's a subset of that that we contribute to. But until we have the courage to recognize that what's happening is a much bigger issue than policing, we'll continue to have these conversations but not get at the heart of the problem.

I keep hearing that we have to re-establish trust. I don't think we ever had trust in many communities, and it's based upon the history of some people's experience in this country, certainly the African-American community's experience. A lot of bad things were done to African-Americans by law enforcement agencies, and there's a narrative that exists in that culture as a result. And we can't overcome 300 years of history in a short time and re-establish trust that didn't exist in the first place. So I think we need to start with that recognition, and build out from there.

Atlanta Chief George Turner:

Many of Our Young Officers Are Getting Out of the Profession

We really need to think about our officers. We've put them in a difficult and challenging place. Our young officers are simply jumping out of this business. Why would you do this for the pay that they get? Our attrition numbers are starting to go up all across the city of Atlanta. These are the conversations we are having, and I encourage all of you to have those conversations. I have a son who's in the

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Speaking Out and Imposing Discipline Following a Controversial Incident

A number of police chiefs recently have discussed the need to speak to the community promptly following a controversial use of force or other allegations of misconduct by an officer.

Often, police chiefs are given legal advice *not* to speak about an officer's controversial actions until the conclusion of a criminal investigation, a prosecution, and/or an Internal Affairs investigation—that is, until official findings have been made and released to the public.

But police chiefs increasingly are saying that a great deal of damage can be done to police-community relationships if they fail to comment or to act following a questionable incident.

Milwaukee officer fired for what he did *before* a shooting that was justified: In October 2014, Milwaukee Police Chief Edward Flynn fired Officer Christopher Manney, who had fatally shot Dontre Hamilton, an emotionally disturbed person with a history of paranoid schizophrenia. Police had been called because Hamilton was sleeping in a park. Officer Manney knew that Hamilton was an emotionally disturbed person, but approached him from behind and conducted a pat-down search. That led to a physical confrontation in which Hamilton was able to take Manney's baton and strike him with it on the neck. Manney then fired his gun at Hamilton, killing him.

Chief Flynn specified that he was not firing Manney for using excessive force. (Indeed, two months later, in December 2014, the Milwaukee County District Attorney declined to charge Manney with a crime, saying that the use of force was justified self-defense.)

Rather, Flynn said he was firing Manney for what happened *before* the shooting, because Manney failed to follow department policy and training on handling incidents involving emotionally disturbed persons.

"I've got an obligation to the department and to the profession to hold ourselves accountable when an incorrect decision goes against our policy and training. We've had people who made wrong decisions before, and there was no guiding policy. We've had people who made mistakes, but we hadn't done any relevant training. But [in this case] we've got a policy and we've done training, and it was still the wrong decision. And in that context, it's my obligation to judge the decision, and to take into account the dire consequences that emanated from that decision. When officers put themselves in a situation where they have to use deadly force, they've got to be evaluated professionally."[23]

In March 2015, Chief Flynn's decision to fire Manney was upheld unanimously by the Milwaukee Fire and Police Commission.

Houston chief promptly releases video of officers beating a suspect: Houston Police Chief Charles McClelland recently discussed his response to a 2010 incident in which officers beat and kicked a burglary suspect. Nine days after McClelland was sworn in as chief of police, he was handed a video recording of the beating, which had been captured by surveillance cameras.

Chief McClelland contacted community leaders the same day and told them what was on the recording. "I told them that as soon as the officers were identified and they were relieved of duty, that I was going to go public with the video," he said.[24]

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23. Video recording of Flynn media briefing, October 15, 2014. http://www.jsonline.com/multimedia/video/?bcpid=13960334001&bctid=3841701785001
24. "Defining Moments for Police Chiefs." Police Executive Research Forum, 2015. Pp. 10–11. http://www.policeforum.org/assets/definingmoments.pdf

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department, and I hear these things directly from him.

Wexler: When your son told you he wanted to be a police officer, what was your reaction?

Chief Turner: I shivered. I had no desire for him to be an officer.

Wexler: Why is that?

Chief Turner: Well first of all, he's not going to get paid enough to be able to take care of his family. We don't value the position that we place our officers in as a nation. We need to elevate this position. If we don't, we will continue to lose the officers who are not attracted to the advertisement that we just saw.[27]

Atlanta Chief George Turner

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McClelland promptly held a press briefing and released the names of the officers. "The tape was so graphic, I decided that I wasn't going to stand up there and read the usual script, that 'We are conducting an investigation and have to wait for the outcome before we say anything.' I said that what I saw on this videotape was very disturbing, and that I believed that some of the things on the video violated our training, our policy, and may have violated the law. That's what I said at my first press conference. I fired seven officers; four were charged criminally, and three were convicted."[25]

Minneapolis chief speaks out immediately about officers' racial slurs: Minneapolis Police Chief Janeé Harteau described an incident in which two off-duty officers were involved in an altercation outside a bar in Green Bay, Wisconsin. Green Bay officers responded and captured dash-cam video of the Minneapolis officers using racial slurs. Chief Harteau fired the officers.

"I had attorneys telling me I couldn't talk about it because it was an open investigation," Chief Harteau said. "But the whole world could see the video, and it was giving our entire a department a black eye. So I told my attorneys, 'You know what? I can watch this video as a private citizen and hear what they said, and I should be able to make some comments about it.' I came out very strong and said to my community, 'This is not who we are. This is who those officers are, but it is not who *we* are as an organization.' "[26]

25. Ibid.
26. Ibid, pp. 16–17.

27. Chief Turner was referring to the Denison, TX recruiting video that was played at the conference: https://www.youtube.com/watch?feature=player_embedded&v=QfG3mDfPK80

ABOVE: Virginia Beach, VA Chief James Cervera
BELOW: Lenexa, KS Chief Thomas Hongslo

Our police departments do not reflect the demographics of the community, and we need to make sure that officers feel that they are part of the community. If the officers don't reflect the community, they are seen as "coming in to police us," as opposed to being part of the community. When a young person has a desire to join a police department, they are looking at all of our websites. And if they don't see people in command positions who look like them, they have no desire to come into those police departments.

Virginia Beach, VA Chief James Cervera:

Terms Matter in Distinguishing Police Officers from Soldiers

Wexler: Jim, you say that terms and images matter. What do you mean by that?

Chief Cervera: Well, for example, most people refer to SWAT officers as "operators." I'm from Virginia Beach, near the Norfolk-Hampton-Newport News area, which has one of the largest military concentrations in the world. Operators are Navy SEALS. That's what an operator is, and I have the utmost admiration and respect for what our Navy SEALS do. However, we removed the word "operator" from everything our SWAT officers write, every conversation they have, and we hammer it home: "You are not operators. Operators are Navy SEALS, they have a totally different mission. To fulfill their mission, they're allowed to do certain things that police officers are not allowed to do. Our job is to save lives. We are police officers."

So we've changed that. Another example: Officers wanted to go to external bullet-resistant vest covers, which are great, but then I saw some of the vests, and with all the things attached to them, they looked more appropriate for soldiers. So we rejected that and found vests that look like a police uniform, so people know they're cops, and not operators, not soldiers.

Lenexa, KS Chief Thomas Hongslo:

We Look for Compassion and Empathy When We Hire Officers

In Lenexa we go to great lengths to ensure that we're hiring people who fit the values and the philosophy of our community and police department, and that they will mix well with the community. We look for empathy, for compassion, and I think that goes to the guardian model of policing. We've had people come in who could do the job, but they were warriors, and they were in the job for a different reason.

We've seen many examples across the United States of officers who get in trouble, and when you look back at their careers in other police departments, you have to ask: Are we doing the right

Prof. Dennis Rosenbaum,
University of Illinois-Chicago

background checks, the right psychological tests to make sure we're hiring the right people?

Prof. Dennis Rosenbaum,
University of Illinois at Chicago:

The Police Academy Sets a Tone for How Officers Should Conduct Themselves

The environment at a police academy sets a tone about whether officers see their job as "taking out the bad guy" or "serving the public." Many academies put stress on the idea of officers having power, authority, and control over situations. But training people to try to control and "win" in every situation can create problems.

Once I was riding with some officers and saw them trying to establish dominance with the young people in a neighborhood. At a McDonald's for lunch, the officers walked by a group of young adult males and took a handful of their French fries to show they were in charge.

Of course that sends exactly the wrong message. We are in a post-Ferguson environment, and citizens don't give police the benefit of the doubt the way they used to. Community members want to be respected; they want to have a voice; and they want officers to explain and justify their actions. In a nutshell, they want procedural justice.

Head of DOJ Civil Rights Division Vanita Gupta:

Consent Decrees and Other Reports Provide Guidance on Use of Force

It's great that you are having this conversation about the use of force and its impact on police-community relations, and that there are so many people in this room from departments of all sizes and from all over the nation. This conversation is a sign of what is happening in the country. In some ways, these are not new problems, but the public, the police community, and government officials are focused on them in a way that we haven't ever been before.

We have been talking today about de-escalation and CIT training. These are important concepts, and we build them into our consent decrees at the Civil Rights Division. But the reality is that two 40-hour trainings are not going to re-engineer the use-of-force problems that we're seeing around the country.

In our pattern-or-practice findings letters and consent decrees, in the President's 21st Century Policing Task Force report, in the Justice Department's Ferguson report, we take a comprehensive

Assistant Attorney General
Vanita Gupta

University of South Florida
Prof. Lorie Fridell

view of the culture change and the shift in perspective that must take place to achieve real reform. Transformative change occurs through revamped systems, through accountability measures, through transparency, through a commitment to community policing reflected in everything a police department does to ensure public safety.

These concepts are also infused through all of our consent decrees, through every recommendation in the 21st Century Policing report. There are enough documents out there now to demonstrate the comprehensive approaches that police departments have taken to reform. And these approaches have resulted in significant reductions in the use of force, have better protected officer safety, have increased the perception of procedural justice, and have improved the response to people with mental illness.

We've seen impressive successes in places like Portland and Seattle, so there are very good models out there to work from.

Prof. Lorie Fridell,
University of South Florida:

Policing Based on Biases Is Unsafe, Ineffective, and Unjust

I've been researching use of force in policing for 30 years, and bias in policing for about 15 years. We all know that people of color are disproportionately represented among people against whom police use force. The question I pose is, how much of the disparities in police use of force is due to officers' biases, and how much is produced by legitimate factors, such as differential behavior across subject groups?

The work that we are doing with support from the COPS Office is to explore and train police on their implicit biases. Racism is an example of an *explicit* bias; racists are fully aware of these biases and unconcerned about their discriminatory behavior. By contrast, people may not be aware of their *implicit* biases; but implicit biases can impact our perceptions and behaviors, even in individuals who, at the conscious level, reject bias, prejudice and stereotyping.

Linking this to police use of force, implicit biases might lead police to be over-vigilant with some groups (e.g., black youths, poor people) and under-vigilant with others (e.g., women and elderly persons). Even though many stereotypes are based in part on fact, police should not treat all individuals as if they fit their group stereotype. Policing based on those stereotypes is ineffective, unsafe and unjust.

As an example, the Justice Department recently completed a study of police shootings in Philadelphia, and the analysis included an examination of "threat perception failures" (TPF)—wherein an officer incorrectly believed the person was armed. Disproportionately, the TPFs involved African-American suspects,[28] which is totally consistent with the concept of how implicit bias can cause an

28. *Collaborative Reform Initiative: As Assessment of Deadly Force in the Philadelphia Police Department.* U.S. Department of Justice, COPS Office, 2015. Pp. 30–33. http://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0753

RIGHT: Albany, NY Chief Brendan Cox
FAR RIGHT: Motorola Solutions Senior Vice President Jack Molloy

officer to perceive a greater threat from a person a color.

Wexler: How is implicit bias demonstrated in the training you do?

Prof. Fridell: In the "Fair and Impartial Policing" training, recruits in role plays are consistently under-vigilant with women—not finding the gun in the small of the back of the woman because they stereotype women as not being a threat. They consistently find the gun on the man. The lesson is that treating an individual as if she fits the group stereotype can be unsafe.

And the science of bias affirms the potential value of high-quality use-of-force training wherein officers interact with unfolding video scenarios and have to make judgments about who's a threat and who is not. The key scenarios are those that present what the scientists call "counter-stereotypes." That is, in this training, the threat the officer faces should be just as likely to come from a woman as a man, an older person as a younger person, a well-dressed person as a poorly dressed one. In this way, we are conditioning officers not to focus on demographics and dress, but on other indicators of threat. The question we need to ask, however, is are we putting officers through enough of these scenarios to get the conditioning effect that is possible. Many agencies, I expect, are not.

New Approaches to Training

What the UK Experience Can Teach Us

PERF asked top officials from the Greater Manchester Police and Police Scotland to make presentations about their experiences with use of force polices and training.

Because far fewer residents of the UK own handguns, and because there are far fewer gun crimes committed in the UK, PERF asked these officials to focus on issues that they have in common with police in the United States, such as mentally ill persons wielding knives, screwdrivers, or other weapons—but not firearms.

Chief Inspector Robert Pell, Greater Manchester Police, UK:

Wexler: Chief Inspector Pell, your department has more than 6,700 officers, serving a city of 2.7 million people. In 2011, following the fatal shooting of a man in north London, there was rioting in London, Manchester, and other cities and towns in England. There were also several high-profile use-of-force incidents leading up to this period, and officers being prosecuted for criminal offenses.

Can you tell us about the new approach you are taking in Greater Manchester?

Chief Inspector Pell: Listening to the people in the room here, it's almost an identical story, where we thought we were training our officers with the right tactics to deal with the threats that they were facing. The reality was that our officers were getting themselves into situations, where on an incremental conflict scale of 1 to 10, they were arriving at a level of 2 or 3 but were quickly jumping straight to 8 or 9 in terms of their use-of-force tactics, with no middle ground being considered. 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. During the riots in 2011, we had significant civil unrest in Manchester, and we felt that we needed to turn around our approach to use of force, that something had to change.

Wexler: How many of your officers have guns?

Chief Inspector Pell: 3 percent of our officers are armed, and 6 percent carry Tasers.

Wexler: So very few of your officers have guns. Do they wish they had guns?

Chief Inspector Pell: In a poll eight years ago, 90 to 95 percent said they would not want to carry guns. I would not carry a firearm.

Wexler: So your officers have what?

Chief Inspector Pell: They have body armor, and carry a baton, handcuffs and CS spray.

Wexler: In the past 10 years, how many times have you had an officer use deadly force on a person?

Greater Manchester, UK Chief Inspector Robert Pell

Chief Inspector Pell: I think we shot 2 or 3 people maximum in the last 10 years in Greater Manchester. To give some context, we had about 500,000 emergency calls last year and 900,000 non-emergency calls. And about 1,300 of those were incidents involving firearms or other weapons.

Wexler: Drawing your attention to edged weapons, how many times have you used deadly force in those situations?

Chief Inspector Pell: Never.

Wexler: How many officers have died as a result of your never using deadly force?

Chief Inspector Pell: None.

Wexler: So what's the magic?

Chief Inspector Pell: It's not magic. The reality is that policing is inherently dangerous, so there's been an element of luck as well in there. But we started by looking at the incidents where officers were being taken to court and successfully prosecuted. We were also speaking to our Professional Standards branch, which had a poor understanding about use of force and the tactics and training. So they were making decisions around discipline without the best information, and this was having a detrimental impact on officers.

So we decided to sit down with Professional Standards and debrief a large proportion of our officers who had been injured or involved in discipline and ask them how it felt for them.

It became clear that officers felt that their training was leading them to get involved very quickly in physical use of force, and the resulting injuries and the problems that come from that.

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.

We had a slogan at the time about "fighting crime and protecting people." A friend of mine, not a police officer, said to me, "What it actually feels like is that you are fighting people and protecting crime."

We needed to change; we needed to give our officers a structured approach when facing or dealing with conflict, and we now use a model called the National Decision Model. This model has been around for quite some time at a Command level, and has been very successful in helping us in various contexts. I used it for pre-planning the police response to major protests and other major events as well as dealing with dynamic and spontaneous critical incidents.

Wexler: How does the decision-making model work?

Chief Inspector Pell: It's a sequential process that allows you to start thinking through your options. Essentially it's six steps: (1) Gather information; (2) Assess the threat and develop a working strategy; (3) Consider what legal powers you have and whether there are policies you need to follow; (4) Identify your options; (5) Take action; and (6) Review outcome, and if necessary, begin the process again until conclusion.

In practice, this means that the officers are trained to ask themselves a lot of questions, such as: What is happening here, or what has already

happened? What do I know so far, and what else do I need to know? What (if any) are the threats and risks? Do I need to take action immediately? Is this a situation for the police alone to deal with? Is this a criminal incident or a medical emergency? Can I use my discretion in responding, or is there policy that governs this situation? What if any legal powers are available? What am I aiming to achieve? What are my options, tactical or otherwise? Are there other resources that I can call for?

Previously, we hadn't been giving officers any structure in terms of dealing with use of force. This gives them a sequential model they can use, that helps them to create distance and time and avoid using force if it's not necessary.

Wexler: So just as things happen in the United States, officers roll up on a scene of a person with a knife, and what happens then? What should they be thinking?

Chief Inspector Pell: If it's a dynamic situation, the first thing I would expect my officers to do is to take a step back and take a look at the impact factors. What is the weapon? What is the size and sex of the person? What other factors are at play? For instance, environmental factors such as vehicles, walls, gates and anything else they can use as cover whilst maintaining or creating distance and time.

Wexler: How will the officer talk to that individual?

Chief Inspector Pell: We would look at what is the lowest level of de-escalation.

Wexler: So they wouldn't be yelling, "Put down the knife!"

Chief Inspector Pell: Right, we train officers to realize that their behavior and attitude will have an impact on the other person's behavior and attitude.

Wexler: You're trying to bring the level down.

Chief Inspector Pell: Yes, and it works in reverse as well. If the person is shouting and barking at you, it can cause the officer to behave in a certain way. So we train our officers to recognize that and not to respond in kind, but rather to start to defuse immediately.

So it's not just about "stop barking commands." It's about communicating and trying to establish a connection, trying to engage, to break through whatever it is to start some kind of negotiations.

Wexler: It's almost as if you are putting the knife aside for a second.

Chief Inspector Pell: Yes, if that's possible.

Wexler: You saw that Calibre Press video about the 21-foot rule. Aren't your officers afraid that they could get killed if they're within 21 feet of the man with a knife?

Chief Inspector Pell: The reality is that we've never carried guns, so we've always had to train differently. Culturally, it's different.

Wexler: So you have to use all sorts of other skills, because you don't have the "fail-safe" system of a gun.

Chief Inspector Pell: Yes. A tactical withdrawal is perfectly acceptable, and we would use that and encourage it. It's about dealing with the incident. It's about recognizing what I am dealing with, what is the threat? Am I the right person to deal with this? Do I need to deal with it *now*? Have I got the right equipment to deal with this? Am I the primary agency? Is this a medical emergency? Do I need to get an ambulance here? What are the impact factors available? Is there a car? Is there a place I can use environmentally that will give me space and time and safety to start to think through, to spin through the model? What is the assessment? What are the powers I have? What are my options? Am I stepping too close? Is Taser an option?

Wexler: And what *are* your options?

Chief Inspector Pell: We have individual and team restraints, shield tactics, CS spray, police dog tactics, Taser compliance tactics and Taser discharge, baton, and where absolutely a last resort, firearms officers. The key is the step-back approach

and to take all the time necessary to deal with the incident properly.

Wexler: Why aren't your cops saying, "We need guns"? If they saw that video on the 21-foot rule, wouldn't they say, "God, something could happen to me?"

Chief Inspector Pell: We've actually made reference to the 21-foot rule for quite some time. But we look at it differently. We retreat to *maintain* that distance. I would find it quite acceptable if one of my officers increased that distance, if that officer assessed the impact factors. If you're 6 foot 5 and I'm 5 foot 4, it's perfectly acceptable to create some distance and time to consider, "What's my working strategy? Do I need more resources here?" So we work more around the idea of a team. If you go one on one, you're going to engage in physical violence, and you're going to end up with injuries or worse.

Wexler: What's been the reaction to your officers since this big change with the National Decision Model?

Chief Inspector Pell: 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. It's two days of training; we've increased it to 16 hours now. And we make our detectives do this as well now, which was quite a big step…

Wexler: Detectives don't want to do this stuff? [laughter]

Chief Inspector Pell: No, use of force doesn't apply to detectives [laughter], and we had to fight that battle to ensure that all officers received the training. But it comes down to leadership. It's about saying, "This is important. It's going to keep you safe, and it's going to help you do your job properly and keep our communities safe."

Wexler: What's been the reaction of the community?

Chief Inspector Pell: The reaction of the community has been fantastic. Currently we have a public confidence level of 94 percent. In terms of embedding this, it was a significant change for us. When the business case for this was put before [Greater Manchester Chief Constable] Sir Peter [Fahy], I was conscious that it was a marked change. At a time of 20-percent cuts in policing, taking all our officers off the front line for an additional day's training was a significant investment in time, but essential if we were to achieve our long-term objectives. Sir Peter got that and mandated the change in approach, as he felt it was crucial if we were to embed the new approach by our officers, improve safety to staff and the public, as well as raise public confidence.

Wexler: Thank you. That was excellent.

Bernard Higgins, Assistant Chief Constable, Police Scotland:

We Expect Unarmed Officers To Respond to Persons with Knives

Wexler: Bernie, we've had the privilege of working with your boss Sir Stephen House. And as you know, we've had all these incidents in the United States in which police encounter people with knives.

Recently, I was in Scotland with Charlie Deane, John Timoney, and Scott Thomson for a recruit graduation, and I asked a young officer, "How do you deal with people with knives when you don't have a gun?" And he said, "No problem! We stand back, we assess the situation…," and he started describing the entire plan that Police Scotland has for handling these incidents. So can you please tell us about it? First, how many people have police in Scotland shot in the last 10 years?

Chief Constable Higgins: We've shot two or three people in the last 10 years. The last police shooting was three and a half years ago. To put it in some context, we have 1.8 million emergency calls a year.

Just 2 percent of our officers are on Armed Response Teams, and they carry firearms and other gear similar to that of SWAT teams in the U.S. And we deploy these firearms teams roughly three times a day to incidents where we believe there is a

Police Scotland Assistant Chief Constable Bernard Higgins

firearms threat. But we have yet to shoot anybody under the legacy of Police Scotland.[29]

We have a rigorous process in Scotland from the beginning, where we recruit new officers. Our recruitment process is about the person's integrity, the moral courage, their resilience, and whether they are actually vested in the community to be able to police. We use assessment centers to evaluate candidates' leadership and communications skills through small group exercises. Our goal is to select the very best candidates, rather than just weeding out unsuitable candidates.

Then we take them on a journey of training for 12 weeks, and through that journey, we talk to them about proportionality, about necessity, we talk about the European Convention of Human Rights, and the person's right to life—not just your right to life, but the person you're dealing with, the person's right not to be treated in an inhumane manner. All this runs right through everything we do, and at the same time we talk about our code of ethics. We ask our officers to always treat people with fairness, integrity, and respect. If you ask any Police Scotland officer about their job, they will say two phrases to you: "We keep people safe, and we treat people with fairness, integrity, and respect." That's from the minute they become a sworn officer.

One of the other things we do is heavily invest in local community policing. We police a nation of five and a half million people, we have big cities with issues that are comparable to America in many respects. What we say to officers is, "Regardless of where you live, you are actually part of the community you police. So that's your community, and it's your job to keep your community safe, whether or not you live in that community. You're not just a police officer, you're a citizen of Scotland, and you have a responsibility to be part of the community you police." We work very hard at bringing the police and the community together.

Wexler: People in the United States will say, "Policing in Scotland is not like the U.S., because Americans have so many guns." So let's leave aside all the incidents in which American police face threats from people with firearms. Let's just talk about the situations that we have in common: when police encounter a person armed with a knife, or a screwdriver or similar weapon. What are officers in Scotland equipped with, and how are you trained to handle people with knives?

Chief Constable Higgins: 98 percent of our force are unarmed. I have a 2-percent Armed Response capability, which is available 24/7.

The 98 percent of unarmed officers carry the baton, rigid handcuffs, and CS spray.

The first point of resolution is to speak to the person and ask them to "put the knife down, please." And we do use words like please and thank you.

We also teach our officers—and as you say, I'm excluding firearms from this—that someone with a weapon doesn't necessarily present an immediate threat. If someone has a screwdriver, and it's hanging by his side, why would you immediately escalate and draw your baton or draw your CS spray? Why are you doing that? Because he's not presenting as a

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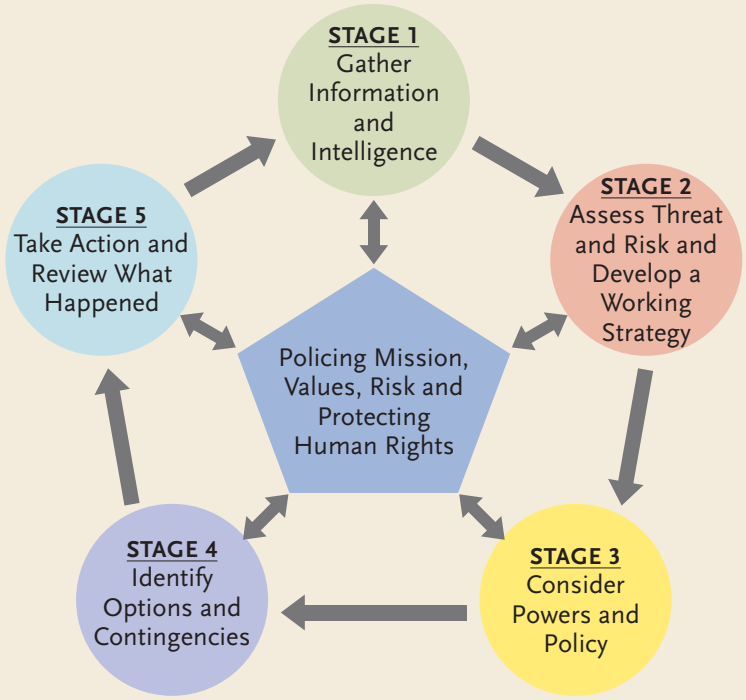
29. All eight regional police forces in Scotland were consolidated into Police Scotland in 2013.



All stages of the decision making process need to reflect:

- The Statement of Common Purpose and Values
- The Role of the Constable
- Policing ethics, standards and mission
- The 10 ACPO Risk Principles
- The Police (Conduct) Regulations 2008
- Legal Obligations (including the ECHR)

Ask yourself:
WHAT SHOULD THE PUBLIC EXPECT FROM ME?

STAGE DETAILS

STAGE 1: Identify Situation and Gather Information (and Intelligence if appropriate)

Ask yourself:

- What is happening? (or What has happened?)
- What do I know so far?

STAGE 2: Assess Threats and Risks of the Situation

Ask yourself:

- Do I need to take action immediately?
- What do I know so far?
- Do I need to seek more information?
- What could go wrong?
- How probable is the risk of harm?
- How serious would it be?
- Is this a situation for the police alone to deal with?
- Am I trained to deal with this?

Determine a **working strategy** to mitigate threats and risks and maximise opportunities and benefits

STAGE 3: Consider Powers, Policies and Other Obligations

Ask yourself:

- What legal powers do I have or need to make this decision?
- Is there a formal force policy to follow in this instance or can I use my discretion?
- What other obligations might be applicable (eg multi-agency protocols)

STAGE 4: Identify Options and Consider Possible Contingencies

Ask yourself:

- What options are open to me?
- What am I trying to achieve?

Identify suitable responses, taking into consideration:

- The immediacy of any threat
- Limits of information to hand
- Amount of time available
- Available resources and support

Use PLANE to evaluate potential options, ie, is each one: PROPORTIONATE, LAWFUL, AUTHORISED, NECESSARY, ETHICAL?

What contingencies should I consider (what will I do if certain things happen?

STAGE 5: Take Action (and Review what happened)

RESPOND:

- Select and implement the option that appears to have the greatest likelihood of success against the least harm
- Ensure those who need to know the decision (including the public) understand what you have decided and why

RECORD:

- If appropriate, record the selected response and the reasoning behind it

Monitor and Review Decision

Ask yourself:

- What happened as a result of my decision?
- Did it achieve the desired outcome?
- Is there anything more I need to consider?
- What lessons can be taken from how things turned out?

IF THE INCIDENT IS **NOT** OVER: Go through the model again as required

IF THE INCIDENT **IS** OVER: Review your decision(s), using the same 5-stage model as required

How the National Decision Model Works

PERF asked Police Constable Daniel Shaw, a specialist in the Operational Training Unit of the Greater Manchester Police, to provide an example of how constables in Greater Manchester are trained to use the National Decision Model (NDM) in responding to a call about a man with a knife on the street:

In the initial phase of the incident, whilst officers are en route, I would expect them to be gathering as much intelligence as they can. **(Information, Intelligence)** This could be gleaned from police systems, colleagues, etc. This could be done via the officer's radio. The info and intel that I would expect the officers to be asking for would include:

- Is there a history of previous calls at the address/location?
- Who do we know is there? What do we know about these individuals?
- What is the physical environment we are going to? What is the building type? What is the estate/community like? What is my access/egress from the actual street?
- What prompted the call to the police? Did the person commit a crime? Is he behaving strangely or threateningly?
- Is there any indication of a mental health problem?
- What exactly did the caller say about a knife?

The answers to all these questions would certainly cause officers to begin using the NDM. **(Information, Intelligence; Assess Threat and Risk; and Develop a Working Strategy.)** I would also expect officers to be assessing their options and possible courses of action when they arrive at the scene. **(Powers and Policy; Options and Contingencies.)**

Upon arriving at the scene, I would expect the officers, if arriving alone and where possible, to initially try and stay at a distance so that they may observe the individual that they are potentially about to deal with. **(Information, Intelligence.)** This may simply mean stopping the vehicle on the other side of the road, giving the officers crucial time to assess the subject's impact factors and demeanour. **(Information, Intelligence; Assess Threat and Risk; Develop a Working Strategy.)** By creating distance and time, we create an opportunity for good observation, critical analysis of the situation, and a more accurate assessment of risk.

Gathering information and actively thinking of it in this way inherently begins the officer's assessment of place-specific impact factors, taking into consideration any other people around and the impact any action may have on their demeanour and any risk from that. **(Assess Threat and Risk; Develop a Working Strategy.)** This could affect whether additional officers or other resources are needed at the scene.

Even with distance and observation, the subject may see the police and begin to approach them. However, they would have the crucial extra seconds of time to assess his intentions and react. They might have the options of staying in the vehicle, or moving it. And they will have had more time to come up with a dynamic plan, even something as simple as, "I'll speak to him and be ready with my Taser; you flank him and be ready to intervene should I fail." **(Options and Contingencies.)**

So what happens when the officers alight from their vehicle and approach the subject? Say, for example, that he produces the knife and shouts, "Shoot me." **(Information and Intelligence).** I would expect the officers to be consciously working through their threat assessment, recognizing now that they might be faced with unpredictable behaviour and a barrier to communication. **(Assess Threat and Risk; Develop a Working Strategy.)** I would expect them to make distance immediately

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and consider their tactical options, including distance tools such as Taser and CS Spray.

I would also expect tactical communications and negotiations to be paramount here, taking into account the mental health issues and suicide-by-cop scenario. Repeated commands and shouting are less likely to work with persons potentially suffering mental illness, so I would expect the officers to be ready with an intervention option if needed, e.g. the less-lethal option of Taser, or if there is time, even a dog patrol.

I would also expect the officers' communications and negotiations to begin immediately. This may involve speaking to the subject and avoiding loud commands, such as "DROP THE WEAPON." Every officer will have a different style of communication, and what works for one will not necessarily work for another. But they might start the communications on a low level, and it might include simple questions and statements, such as "Why do you have a knife?" and "We are here to help you." It would be the ideal for the officers to build rapport immediately.

This emphasis on making space and engaging in communication and negotiation is crucial. First and foremost, it may negate any use of force. It also gives the officers time to work through and select a proportionate tactical option should they need to act. Ultimately a use of force may be necessary to control the individual, but the officers will be more informed and would be able to provide a clear rationale. **(Assess Threat and Risk; Develop a Working Strategy; Powers and Policy; Options and Contingencies; Take Action.)**

There are many ways this situation could play out. Perhaps the officer or officers in this example would deploy CS spray, and immediately move away to re-assess and work through the NDM again. If the CS spray does not have the desired effect, an officer might decide to draw his baton to control the subject.

I think that ultimately, the initial process of creating space and negotiating is the main difference between what would be expected of a UK police officer and what we sometimes see in the U.S. However, this is not to say that immediate intervention is wrong; if the circumstances dictate, it may be necessary, such as an immediate threat to an individual's life.

The thing we emphasise the most with officers is that they "spin" the NDM as soon as they receive new info and intel, and start the process over, making fresh threat assessments and constantly considering different tactical options that they have to their disposal.

We also evaluate whether our responses are in accordance with the mnemonic "P.L.A.N.": This comes from the European Convention of Human Rights 1998 and is important as it currently serves as the "Reasonable Test" at court.

- **Proportionate:** How would a reasonable member of the public view the action that we took? Would they think that it was a reasonable response? Was it appropriate to the severity of the level of threat that was faced? What was the threat that the subject posed to the public?
- **Lawful:** Is there a lawful footing for being present in the first place? Is there a lawful reason for continued involvement? Is any use of force/tactical option backed up by common law powers or statute?
- **Accountable:** Where would the officers' rationale be recorded? Have they accounted for what they did, and have they also accounted for other options that may have been available that they chose not to use? Taser is generally our preferred tactical option when dealing with edged weapons. But another option might have been to wait and rendezvous with other officers. Were there any other specialist resources, such as a tactical dog unit?

Ultimately the scenario and actions of the subject will dictate what course of action is needed.

- **Necessary:** Was the use of force necessary in the first place, or could officers have done something else? Tactical withdrawal and communication are viewed as tactical options, and officers would always have to explain why these options were not used, or if the officers tried them, how and why they failed.

All of the above points have been raised in courts of law over the years, when cross-examination has occurred of an officer's use of force.

It is accepted that an officer will not always have the chance to work through this model as highlighted above. For example, in a spontaneous and unexpected attack at close quarters, it is accepted that officers will act instinctively and will not necessarily have any time to work through different options. But the officer would always have to articulate and rationalise his instinctive reaction after the incident about what he did.

Consider the question: Is an edged weapon a potential lethal weapon? Yes of course. However, this threat could be reduced when it is seen early and an officer has awareness of the potential threat, considering his/her tactical options, including communication, withdrawal, unarmed skills, CS spray, baton, and possibly Taser.

Having worked as a police officer and formerly as a prison officer, I have dealt with many incidents were I have been faced with a knife/edged weapon. I have used all of my tactical options at some point in different circumstances; personally I have never received an injury from a weapon, but I acknowledge that there have been circumstances were officers have been injured and tragically worse.

Ultimately the scenario dictates everything, but the NDM has helped me greatly, including prior to incidents, during them and post-incident when it is time to re-view what happened and articulate my actions, thought processes and rationale for what course of action I may have taken.

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threat, he's simply in possession of a weapon. There's a difference there. Of course you are wary, and if he then starts to present a threat, then we start to escalate a response to that.

Every single police officer in Police Scotland, on an annual basis, requalifies in officer safety techniques—baton, handcuffs, and CS spray. As part of that requalification, we run scenarios where officers face individuals with bladed instruments, who run at them. And the officers react to that, and we train them in how to maintain a safe distance from the threat.

We instruct officers to "resolve this by the least amount of force absolutely possible." Resolve it at the lowest level.

We train our officers in the use of the National Decision-Making Model as Chief Inspector Pell described it, and to apply it in every situation they come across.

And as in New York, we tell our officers, "Don't take it personally. They're shouting at the uniform, not the person."[30]

The term "tactical withdrawal" has been used. We contain and negotiate. The theme is, "What's the hurry? Don't feel you have to resolve every situation in a minute." By rushing it and escalating it, you're creating a situation where you are increasing the risk to the subject, you're increasing the risk to the community, and you're increasing the risk to the police officers involved.

Wexler: Can you talk about the role of dispatchers?

Chief Constable Higgins: First, our dispatchers are trained in assessing emotionally or mentally disturbed persons. They will make an assessment as they are speaking to the person who called. We have various dispatch centers dotted across the country, and whenever there is an escalation or an incident of violence, they will assess it right at that initial point of contact, and decide whether the proper response is unarmed officers, or Public Order officers—that's the officers with the shields—or whether we escalate to an Armed Response officers and dispatch them.

The dispatcher will use the principles of the National Decision-Making Model, and will go through a series of questions to establish the mental state of the person, and the vulnerability—and that's a word I haven't heard yet today—the vulnerability of the person that the police are going to go and deal with.

Firearms response: The last thing I want to say is about firearms response. We recognize that somebody with a gun represents a real and immediate danger to the communities of Scotland, to my officers, and to themselves potentially.

But we still use the concept of proportionality. We used to have a tactic of firing two shots to the center body mass to neutralize a lethal threat. And the standard of firing twice was challenged legally. What is the purpose of deploying a firearms officer? It's to mitigate the threat, to neutralize the threat. You don't always need to shoot them twice to do that. If you can shoot them once and you've mitigated the threat, why are you shooting them twice?

So we moved to a situation in which my firearms officers, if they have to discharge their weapon, will shoot once and reassess, using the National Decision-Making Model. They are so well trained that they can reassess in a split second, and if necessary, shoot again. But again, everything we do has to be proportionate, it has to be necessary.

Similar GMP, we have a high satisfaction rating of 70 to 80 percent.

Wexler: Is your situation comparable to the United States? Will I have American chiefs telling me during the break, "It's different here. We could never respond to knife incidents without using our guns"?

Chief Constable Higgins: The knife and jagged-edge weapons are the weapons of choice in Scotland. My officers are far more likely to be

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30. See comments by NYPD Chief Matthew Pontillo, p. 51.

The Code of Ethics for Policing in Scotland

Assistant Chief Constable Bernard Higgins said that in Scotland, managing police use of force begins with rigorous systems for recruiting and hiring officers who reflect the values of Police Scotland *(see page 43)*.

These values are stated in a Code of Ethics, which is available on the department's website at http://www.scotland.police.uk/about-us/code-of-ethics-for-policing-in-scotland/.

Following are excerpts from the Police Scotland Code of Ethics:

This Code of Ethics for Policing in Scotland sets out the standards expected of all of those who contribute to policing in Scotland. This is neither a discipline code nor an unattainable aspirational tool.

Rather, this Code is a practical set of measures, which reflect the values of the Police Service of Scotland. We are all responsible for delivering a professional policing service to all people across the country. This Code sets out both what the public can expect from us and what we should expect from one another.

Integrity

- I recognise my role in policing as being a symbol of public faith and trust, and the obligation this places upon me to act with integrity, fairness and respect.
- I shall avoid all behaviour which is or may be reasonably considered as abusive, bullying, harassing or victimising.
- I will demonstrate and promote good conduct, and I will challenge the conduct of colleagues where I reasonably believe they have fallen below the standards set out in this Code.

Fairness

- I will act with courage and composure and shall face all challenges with self-control, tolerance and impartiality.
- I will carry out my duties in a fair manner, guided by the principles of impartiality and non-discrimination.

Respect

- I take pride in working as part of a team dedicated to protecting people.
- I will show respect for all people and their beliefs, values, cultures and individual needs.
- I will have respect for all human dignity, as I understand that my attitude and the way I behave contributes to the consent communities have for policing.
- I shall treat all people, including detained people, in a humane and dignified manner.
- I shall ensure that my relationships with colleagues is based on mutual respect and understanding and shall, therefore, conduct all communications on that basis.

Human Rights

- I will not undertake high-risk activities or use force other than where strictly necessary in order to attain a legitimate objective and only after I have balanced all the competing priorities I am aware of.
- I will not encourage, instigate or tolerate any act of torture or inhuman or degrading treatment under any circumstance, nor will I stand by and allow others to do the same. I understand that the humane treatment of prisoners is an essential element of policing and that the dignity of all those I am trusted to care for remains my responsibility.
- I understand that people have an equal right to liberty and security. Accordingly, I will not deprive any person of that liberty, except in accordance with the law.
- I will investigate crimes objectively and be sensitive to the particular needs of affected individuals whilst following the principle that everyone who is the subject of criminal investigation is innocent until found guilty by a court.
- I will respect individual freedoms of thought, conscience or religion, expression, peaceful assembly, movement and the peaceful enjoyment of possessions.

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confronted by someone with a knife than with a firearm. So we have to train the 98 percent of our officers who are unarmed to deal with that threat. 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.

I'm not talking about specialist officers. I'm talking about my officers on the street. This is what I expect all 17,000 police officers to do. Specialist officers may come in later, the negotiators, the firearms officers, the public order officers. But for the general patrol officer, there is an absolute expectation that they will be able to make that assessment and deal with that threat of a knife.

New Approaches to Police Training in the United States

NYPD Chief Matthew Pontillo:

We Are Giving All 35,000 Officers Retraining on De-Escalation and Tactics

Wexler: Chief Pontillo, after the death of Eric Garner, Commissioner Bratton mandated a three-day retraining of all 35,000 police officers in New York. Can you tell us how this came about, and what are the key aspects of what you are doing in these three days of training?

Chief Pontillo: Yes, after the death of Eric Garner, we did an assessment of our training and our policies. And at first we thought, "Great, we have a policy that absolutely prohibits the use of chokeholds, and we train our officers on how to restrain people effectively. All this is part of the Police Academy training, and there's an in-service program that addresses it as well."

The problem was that when we looked deeper, we found that while the chokehold prohibition developed by John Timoney in 1993 had had an immediate effect, it had eroded over time. On a case-by-case basis, the department had watered down the definition and therefore the prohibition.

And then we looked at our training itself. The training team put on an exhibition of what they do in the Police Academy, and it was very impressive. But the problem was that these folks who do the training are all very practiced in martial arts. They have done this training all day, every day, for many years, so they've developed an expertise with it, and they demonstrated all these restraint techniques that *they* were able to employ very effectively. But that does not translate when you try to train a police officer in it during one brief session in their career, maybe two if they're lucky.

So we recognized that our training was flawed, that it was kind of "check the box." And we realized that dramatic action was required, and quickly. This analysis went on in July and August 2014, and by December we had a pilot model ready for a three-day training program.

And what was different about this—typically in-service training would occur for one eight-hour block every year. And it was mostly lecture training on policies and procedures. We've had some role-playing and scenario-based training over the years, but it depended on the subject matter. And we recognized that this was not a very good way to train.

So we looked at putting together a comprehensive training package and it grew into a three-day training program.

Foundations of Policing: Day 1 is based on Blue Courage [a national program that gets officers to think about the nature of policing and the role of smart, compassionate police officers]. We adjusted Blue Courage to fit our needs.

Tactics and Officer Safety: The second element is tactics and officer safety—how to restrain people effectively if you have to escalate to use physical force. One of the problems we discovered is that in

NYPD Chief Matthew Pontillo

our current training curriculum we were teaching take-down techniques, and we asked the question, "Why are we putting everybody on the ground? In most cases, we probably don't need to put somebody on the ground. If we're putting somebody on the ground, we're increasing the likelihood of some injury to the suspect and the officer. So if that's not necessary, why do it?"

Smart Policing: The third piece is Smart Policing, a one-day training that emphasizes de-escalation tactics and techniques. We focus on the impact of high-emotion, high-stakes encounters and what that does to an officer's stress level, what the flow of adrenaline does, what they can expect, and how they can mitigate against that. Unnecessary use of force is often tied to an officer's adrenaline or anger, so you have to know how to control that.

We have a series of scenario-based exercises and demonstrations to bring out those emotions and get reactions, and then we have a dialogue about how to effectively deal with that. Our new Academy has several areas designed for scenario-based learning, with mock police stations, apartments, city streets with businesses, etc.

One of the things the program stresses is that police work is not personal. If someone curses you out or is agitated, you shouldn't take it personally. You have to be professional. You're not going to resolve anything, in fact you'll only make it worse, if you escalate the encounter and go up to the same level of agitation and aggression that the subject is displaying. If you humiliate someone, it will often lead to problems.

We also stress the respect begets respect, and disrespect begets disrespect. You get what you give. And it's in your best interest, and it goes to officer safety, if you can de-escalate something, as opposed to escalating to the point where you have to use force.

We stress during training the use of cover, concealment, containment, and communication with the subject. That's really the bedrock of the whole thing. Don't put yourself in a position where you have to use force.

And we tell officers that they do not always need to "stand their ground." They can move back, and tactically reposition themselves in order to de-escalate a situation. This is not giving up; it is trying other avenues to solve the problem. We are pushing officers to read the situation, to take their time, to use their critical thinking skills, and not to rush it.

We also incorporate the negotiation skills we have learned from NYPD's top hostage negotiation teams—"active listening" skills, body language and non-verbal communication, gaining control through influence, showing empathy, and so on.

Immediate review of shooting incidents: If I could digress a minute, when we look at our firearms discharges, back in 1992, police officers in New York City discharged their firearms 300 times. The last two years, police officers in New York City discharged their firearms 80 times. 80 times in 2013, and 80 times in 2014. That includes accidental discharges and dog shootings as well as adversarial encounters. Last year, of the 80 total firearms discharges, only 35 of those were at an adversary.

Firearms discharge investigations necessarily focus on, as the first priority, determining whether the action was legally justified. The next analysis is whether the shooting is in or out of guidelines, and that's for every shot, and every shooter. For

example, just because your first shot was found to be justified and in guidelines, doesn't necessarily mean that your second shot was also justified and within guidelines.

There was always an examination of tactics, but it was almost an afterthought.

Recently, we have redesigned the way we do the shooting investigations, and the tactics are a key component of that. We may have a shooting that's legally justified and within department guidelines, but for bad tactics, we would not have been in that situation to begin with.

So now there's an emphasis on tactics, to the point where, during the initial response at the scene of a police-involved shooting, the commanding officer or his deputy from our firearms tactics section responds and does initial triage, to determine the immediate lessons learned, and they incorporate these lessons learned at the training very quickly. Every officer involved in a shooting has to go for a one-day tactics refresher, and the range folks will try to incorporate what lessons can be learned from each particular shooting.

So taking some of these lessons, we incorporate that into Smart Policing—emphasizing the use of the proper tactics to effectively de-escalate.

And containment is a word whose definition has changed over the years. In the more traditional sense, containment meant to try to get somebody kind of locked away somewhere. But now we're teaching that it's a more fluid concept. You can and should back up. Keep a safe distance.

Wexler: That's an important point, and it has to do with changing the culture. How do you get cops to accept that backing up is not "cowardly"?

Chief Pontillo: That's the toughest piece of all of this. Like everything we've discussed today, in some respects, developing the right policy is easy. There are a lot of brilliant people in policing, in academia, who come together and identify best practices, and we can train to it. The problem is changing the culture and getting that buy-in.

So we try to address the culture issue in this new three-day training. In the past, we would assign one or two people from each command each day, and they'd go for eight hours of training.

With this new concept, we train cops with their entire squad. The entire squad—folks who work together every day, go out on foot posts and working radio cars together—attend the training together, with their supervisor.

And we do the training on all three tours. So if you regularly work midnights, you're not getting your training on a day tour. We have instructors working 24 hours a day, and we're sending cops 24 hours a day based on the shift they normally work, with their entire squad. So they normally operate as a team, and now they're training as a team.

Coupled with that, we are sending all our executives to a one-day version that basically summarizes the three days, so the executives know and understand exactly what the cops have been taught. And they're expected now to carry it back and be the champions of this new imperative.

Wexler: A common denominator between what you and Bob Pell said was the need to slow these situations down.

Chief Pontillo: Yes, cop culture has always been, "We're the people who respond to a crisis, jump out of the car, and take immediate action." And we're saying no, that's not the correct paradigm anymore. Today's reality is that voluntary compliance—a de-escalation without a confrontation—is a "win" for the police.

LAPD Deputy Chief William Murphy:

If Your Officers Hate to Go to Training, You Need to Rethink Your Training

I'm in charge of training and all use-of-force adjudications for the LAPD. I'd like to share what we do in the LAPD with regard to a few of the concepts we've been discussing today.

One issue is how we train on weapons other than firearms—how you deal with someone with an edged weapon. We teach a concept called "distance plus cover equals time." And why do you want to buy time?

Los Angeles Deputy Chief
William Murphy

- **Time gives you the ability to *communicate with the suspect;***
- **Time gives you the ability to *make a tactical plan.***
- **And time gives you the ability to *get resources to the scene.***

If you are able to do all three of those things, it increases the probability of a great outcome, meaning that no force, or the minimum amount of force necessary, is used.

One thing we found is that if we went back 5 or 10 years, we didn't provide training to the officer until the entire officer-involved shooting was adjudicated. That was a big mistake. Now when there is an OIS, the officer has to go to a general training update within 90 days. In that general training update, we always begin with use of force policy. And we want to make sure that the officer can *apply* that policy, not just quote it. We also cover tactical communication, tactical planning, equipment use, and command and control.

If you're not doing command and control at the officer level, you're in trouble. We used to think of command and control as a supervisor issue, but then we studied our statistics. At 70 percent of our officer-involved shootings, there is no sergeant at the scene. So officers are left to take charge of that scene, and they have to have the skill set to do it.

In the LAPD, the vast majority of officers qualify four times per year with their firearm, once a year with a shotgun, and once a year with the force option simulator. The force option simulator is all about decision-making. Officers have to complete two scenarios to pass, and as they go into it, they don't know what the outcome of the scenario will be. And if they fail this or any other section, they have to go to extensive retraining before they go back into the field.

I have had many conversations with people from other departments who say, "Our officers hate training." If that's true in your organization, you really have to look yourself in the eye and question why. If you're boring officers to death with lecture-based training, that could be the problem. Our officers get mad when they don't get training, which I think is what we should be striving for.

We believe that the Police Academy is the single most important training you'll ever get. You can never make it up, no matter how much in-service training you do, so we put a lot of emphasis and focus on our Academy.

If you're going to change the way you do business and do problem-based learning, you have to go all the way in. The easiest way to explain it is that the Academy that I went to in the 80s was an academy of lectures. We listened to a ton of lectures, and then at the end we tried to put it together with one or two weeks of scenarios, then everybody clapped and we hit the streets. But what we were really doing in that academy was studying for a test and memorizing stuff so we can pass the test and then forget it. It was a bad way to do business.

Former Boston Commissioner Ed Davis:

The Distinction Between "Can" and "Should" Is an Important One

Wexler: Ed, you were superintendent in Lowell, Massachusetts and later Boston Police Commissioner. If you think about implementing what we

heard from Scotland and Greater Manchester in American cities, this is a challenge, isn't it?

Ed Davis: No question, it's a difficult conversation to have. We can learn lessons from having a non-warrior approach to learning how to control situations. I think that's the key component here.

We teach the recruits when they *can* use force, but we need to pay a lot of attention to when you *should* use force. I think that what we're hearing from Bernie Higgins is exactly right. If you have time and you can hold back, that's very important.

Oakland, CA Deputy Chief Danielle Outlaw:

Wexler: Danielle, tell us the Oakland story on use of force. You've had quite a success story. Let's look at your statistics:

Use of Force Incidents
2010: 1200
2014: 606

Complaints about Officers
2012: 2,593
2013; 1,531
2014: 1,067

Officer-Involved Shootings
2011: 8
2012: 7
2013: 3
2014: 0
2015: 2

You've had to change the culture, haven't you?

Chief Outlaw: We are a very progressive department, but we are also under a consent decree. We were told what we needed to fix: decrease the uses of force, vehicle pursuits, pointing of firearms, for example. But we weren't told how to do it.

So we had to sit down and get creative to accomplish those things, make sure our efforts were sustainable, and that they were truly embraced by the rank and file.

I think there were two key things we did to bring our numbers down and to focus on de-escalation. The first was an emphasis on training to teach officers how to manage stress during threatening situations. This "stress inoculation training" involves multiple repetitions during the training, to create "muscle memory" and help officers learn to observe, orient, and decide, all before they take action, as second nature.

Creating a culture of self-examination: And the other key element of our reform, to Vanita Gupta's point, was creating a culture of self-examination. That's the accountability piece—making sure that there is a feedback loop for follow-up. On the training end, we make sure that our officers understand the force options available to them. We don't have a ladder like we used to, but there's a continuum and officers have to know what those options are. We also make sure that they understand what case law is, and what our policy is.

This all sounds very basic, but you'd be surprised. After a use-of-force incident, officers have to articulate in their reports why they used force, and we found that they weren't able to do that to the level that they should.

We've been doing scenario-based training for years. In the past, I remember they would put us out there and say, "OK, react to the threat." First, that

Former Boston Commissioner Ed Davis

tells you that there's going to be a threat every time, rather than requiring officers to assess whether there is a threat. Second, we knew we were being assessed on how we escalated the force. How did we go from verbal persuasion, to baton, to Taser, or whatever it was that they were looking for at the time.

But now, in what is a huge paradigm shift, during training we place the officers into a scenario and say, "OK, we're going to assess you." We don't advise them in advance, but the evaluator might be assessing them on how they de-escalate. It might start out with your role-player having a bat in hand, being very agitated, very hostile. But at some point, if the officer uses verbal commands and does what we train them to do, the role-player will drop the bat. And now the officer is evaluated on what he does after the bat is dropped and the threat is no longer present.

So that's a basic change, but it's very important for us.

We also use scenario-based training in our firearms qualifications, and the scenarios don't always escalate to lethal force. We used to associate the firearms range with merely shooting our weapons, so that's a big change for us as well.

Regarding accountability, we've been using body-worn cameras for five years, and we've seen an increase in positive interactions, both on the citizen side and the officer side.

Procedural justice, internally and externally: We've also incorporated procedural justice training. And to Sean Smoot's point, it's very important to focus on internal procedural justice as well as external procedural justice. Are we treating our officers in a procedurally just way, the way we want them to treat community members? Because if we don't focus on the officers, you can have the best strategy in the country, whether it's for crime-fighting or de-escalation of use of force, but if you don't have the officers on board to execute or implement the strategy, the strategy doesn't matter so much.

Raising the bar for use-of-force investigations by sergeants: We also have a very comprehensive and thorough Force Review Board process. They have turned around in the last two years, and are a lot more formal. It sets very high expectations for officers and for supervisors.

In Oakland, sergeants are the ones who investigate uses of force. It used to be that sergeants would take what officers said at face value, write it in their investigative report, and push it up the chain. The reviewing chain of command would generally endorse it, based on what was said. And then when it came time to sit down in front of the Force Review Board, if a question was asked and the sergeant didn't know why the officer responded in the way he/she did, they would speculate and say, "Well, the officer probably did it because of this..."

All of that has been nipped in the bud. It's been made very clear that there are higher expectations, regarding investigative sufficiency, of the sergeants, and they receive timely feedback regarding their investigations. Any lessons learned, or anything that was done really well and can be replicated, that information is pushed back out immediately, so that the officers get timely feedback.

Did the officer *create* the exigency? We also look at critical incidents in terms of whether the officers escalated the situation or *created* the exigency. If that's the case, it might not be discipline that comes out of it, but there's feedback given so that officers learn that these are things we don't want to see in the future.

With our shootings or our Taser deployments, every round is accounted for, every cycle of the Taser is accounted for. The officers now know this, so we're seeing really good written reports when it comes to justifications for uses of force, and *why* they are using force.

Additionally, our policy on foot pursuits is more restrictive, in that officers are not allowed to chase people into yards on their own. That reduces the incidence of chance encounters, which is where we were seeing out a lot of our officer-involved shootings in previous years. Same thing with our vehicle pursuits—it's a lot more restrictive; there has to be a very clear set of criteria before we pursue.

And lastly, we talked about slowing things down. We incorporate that into all of our training,

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New Richmond, OH Officer Praised For Preventing a "Suicide by Cop"

On April 16, 2015, New Richmond, Ohio Police Officer Jesse Kidder made headlines for showing exceptional restraint when a suspected murderer ran toward him, shouting "shoot me" approximately a dozen times.[31]

A video recording of the incident from Officer Kidder's body-worn camera shows that he quickly backed away from the suspect and said, "I don't want to shoot you."[32] *At the time of the incident, Officer Kidder knew that Michael Wilcox was suspected of having murdered his girlfriend. And a dispatcher had warned Officer Kidder that Wilcox might try to commit "suicide by cop." Wilcox later was charged with murdering another man as well as his girlfriend.*

Officer Kidder used tactics discussed at the PERF use-of-force meeting to avoid shooting Wilcox, including tactical repositioning and trying to slow the situation down. The tactics worked in this case, as Wilcox surrendered the moment a backup officer arrived to assist Officer Kidder. But for a tense 50 seconds, Officer Kidder ran backwards a significant distance to avoid making contact with Wilcox that could have resulted in a need for deadly force.

Officer Kidder and New Richmond Police Chief Randy Harvey participated in PERF's meeting, and Officer Kidder explained the incident from his perspective:

New Richmond, OH Officer Jesse Kidder:
Just Because You Can Take a Life Doesn't Mean You Should

Wexler: Officer Kidder and Chief Harvey, thank you for joining us today. Officer, what did you do before you became a police officer?

Officer Kidder: I was in the Marine Corps for four years.

New Richmond, OH Officer Jesse Kidder

Wexler: And you served in Iraq.

Officer Kidder: Yes, two tours.

Wexler: The video of this incident is incredibly powerful. Can you tell us what was going through your mind?

Officer Kidder: The day started out pretty normally, but county dispatch put out a BOLO for the vehicle and a description of this individual wanted for a homicide, and I just happened to spot his vehicle coming through my town. So I began to follow him. I didn't effect a traffic stop, because I wanted to wait for another unit to get on scene before conducting a felony stop.

But he abruptly pulled over after a few minutes, and my backup still hadn't arrived. So I drew my pistol on him. The dispatcher had told me that he was going to try suicide by cop, and that changed the dynamics of the situation. I expected "fight or flight" when he

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31. "Ohio Officer Praised for Restraint, Refused to Shoot Suspect." Associated Press, April 18, 2015. http://www.nytimes.com/aponline/2015/04/18/us/ap-us-officer-doesnt-shoot.html?_r=0
32. The video is widely available online. See, for example, http://www.cnn.com/videos/us/2015/04/19/dnt-oh-officer-doesnt-shoot-charging-suspect.wlwt. The raw body camera footage is available at http://ktla.com/2015/04/19/ohio-officer-shows-great-restraint-not-shooting-charging-suspect-police-chief/.

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whether it's at the patrol level with officers establishing inner and outer perimeters and waiting for a tactical negotiation team to come, or whether it's with our SWAT teams. There's a lot of dialogue and training emphasis around "surround and call-out" versus dynamic entry.

Those are just a few things we have done to make sure that not only is the training occurring, but that it's reinforced and there is accountability through the chain of command.

Seattle Captain Michael Teeter:

De-Escalation and Crisis Intervention Are Key Elements of Our Consent Decree

We've made tremendous progress over the last few years. As you know, we are under a consent decree and that contains numerous requirements specifically related to de-escalation, training, and our use-of-force policy. Our new use-of-force policy went in effect in January of 2014, and we provided all our officers with eight hours of training last year on what that new policy requires and what is now expected of them.

I think one of the most significant areas of improvement in our force policy pertains to supervisory responsibilities in force investigations. We established a Force Review Board to review our force cases, and a Force Investigation Team, which I lead, to investigate the most serious force incidents. We also provided our sergeants with 24 hours of training last year on how to investigate force incidents, so they are better equipped to investigate lower-level force incidents. We expect our sergeants to do a comprehensive investigation of each significant use of force, and we are training and equipping them to do these well.

Another big change in our force policy is that it now requires officers to engage in de-escalation tactics when feasible. Last year we trained our officers on de-escalation. In developing our curriculums, we worked very closely with the Crisis Intervention Committee, which was created as part of the consent decree. The committee is comprised of police officials and many providers from around the city and county who deal with mental health issues on a regular basis. That committee is involved closely in refining our CIT procedures and training, to make sure our systems and training are applicable and will work with the clients officers are seeing in the field.

Our strategy has been to combine crisis intervention, de-escalation, and tactics rather than

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got out of his vehicle, but he really did neither, he just rushed at me, screaming "shoot me."

So I backed up, I tried to get some distance. I was watching his hands, and they were obviously empty when he rushed at me. I started to see a couple indicators that seemed odd—like when he initially ran at me, he dropped his keys, and he stopped to pick them up. I didn't observe a bulge or anything in his jacket pockets, so I felt that I didn't have to use deadly force at that time, until I had positive identification of a threat. I've been in what I would characterize as deadly force situations when I was in the Marine Corps, and that was always stressed—to get positive identification of the threat before you go down that road.

I knew Mr. Wilcox crossed the line when he put his hands in his pockets, especially given the totality of the circumstances, that he had been involved in a homicide. I didn't know about the second homicide at the time, just the one. But I knew he had crossed the line to where I could have used deadly force.

But I felt that just because you can take a life, doesn't mean you should.

Wexler: Chief, you've got a brave officer here. Thank you, Officer Kidder.

[applause]

Seattle Captain Michael Teeter

keeping these areas in "silos." Every applicable section of our tactics training includes aspects of de-escalation training.

We provide a 40-hour curriculum in crisis intervention training. 41 percent of our patrol force and 35 percent of our total sworn force is CIT-certified. In addition, last year we put our entire department through one day of basic crisis intervention training.

We've also developed an eight-hour block of advanced CIT training, which was given to all our officers who were CIT-certified last year and will be given to all of our officers this year. One goal of this curriculum is to help officers prevent escalation to a "fight or flight" response. We're training officers to attempt to keep the interaction at a level where rational communication can happen between the subject and the officer.

We're training officers to be aware of and to recognize the mental state of the person they're encountering. We want officers to recognize that when a situation becomes heated, constructive problem-solving is going to be very difficult. Officers should look for ways to de-escalate first, before moving to problem-solving.

Officers are trained to look out for the safety of a scene, to establish a presence, to engage the subject, and then consider the best way to guide them to a mental state where we can engage them in a direct and meaningful interaction leading to the resolution of the incident.

Wexler: How do you get buy-in? Are the cops embracing it?

Captain Teeter: Yes, the officers are "buying" into the training because they see it in action and they see how we're successfully resolving these situations. I believe initially, when our policy first came out, the meaning of de-escalation to an officer on the beat was unclear. They heard that word and thought, "What does that mean? What am I supposed to do with this person in front of me that's different from what I did before?" The training that we've implemented over the last year and a half has given them tools to make de-escalation practical. We have given them concrete steps and a script they can use. We have them run through scenarios to practice their techniques, and our trainers give immediate feedback.

Wexler: How is it going?

Captain Teeter: It's going well, but we view this as an ongoing, continual, building process. Last year we came out with our new use-of-force policies and did extensive basic and advanced CIT training.

As has been discussed by others today, we agree that you cannot simply provide the 40-hour CIT curriculum to an officer and expect them to remain proficient for the remainder of their career. We are committed to providing ongoing training to our sworn officers, particularly those who are CIT certified, to keep them up to date. This year's CIT training includes extensive scenarios and focus on de-escalation from a CIT perspective.

On the tactics side, we trained our officers in de-escalation tactics last year. This year, we are building on last year's curriculum with a new four-hour de-escalation class combining classroom training with practical hands-on scenarios. This training is required for all sworn officers, and discusses de-escalation in depth, including what it means in practice and what our policy requires. In this training, we talk a lot about the different concepts others have been talking about here today—slowing things

Baltimore County Police Chief
James Johnson

down, using time, distance, and shielding to your advantage, and getting adequate resources on scene. When you are at arm's length from a subject, your de-escalation options are far more limited than when you're across the room from them.

We've heard the word "retreat" this morning, which can be a hard word for officers to accept. We've used the word "positioning" instead to convey the same concept. Officers are trained to ask themselves if there is different position they can take that would be more advantageous in resolving the situation safely.

We are very excited about the work that's been done in partnership with our monitoring team and DOJ. We will continue to work with our partners to refine our training and policies so that our officers are equipped to resolve these situations in the safest manner possible for all involved.

Baltimore County Chief Jim Johnson:

Guns Are Far More Common on the Street Today than When I Started in Policing

Most people we deal with in mental illness crises are unarmed with a firearm. However, in 2011, for the first time in 14 years, more police officers were killed by firearm violence than in auto accidents. It happened again in 2014. We must ensure they are aware of that, and we have to develop our training accordingly.

The young men and women in policing today are facing a completely different society. My son has seen more handguns in the last five years than I saw in the 22 years that I was on the street.

Los Angeles Training Director Luann Pannell:

Our Training Is Designed to Be Holistic and Team-Oriented

You'll often get pressure from community groups or other outside organizations to specify how much time you spend on any one thing. That's really irrelevant if you're not training to competencies. We can spend a lot of time in the classroom and still not have effective officers when they come out.

We wanted to design our training to create officers who are self-motivated, interdependent, community-motivated critical thinkers and problem-solvers. Before we started this, I asked our academy instructors where we teach critical thinking and they said, "Oh, we don't allow for that." Basically, like many traditional law enforcement academies, we told recruits to sit down, shut up, and listen for six months. But then we changed the rules when they graduated; we told them to go engage the community and deescalate situations. But we actually didn't train in a way that demonstrated and tested those skill sets.

We now have three key concepts that flow throughout all of our training:

- First of all, we train the whole person. We're very proud of our tactical training, but that's not the whole person. That's just one aspect of what we do. To train the whole person, we have incorporated the use of the "training triangle." One side of the triangle is for tactical concepts; we're never going to tell people not to be safe. The opposite side of the triangle is our critical thinking model. The base of the triangle is our mission, our vision, and our values. You can have a tactical error and get training. You can have a cognitive error and get training. But if you have an error of character, you really can't stay in law enforcement.

- Second, we want to train in a team, by a team, to be a team. We cannot take for granted that people come into law enforcement with the idea that teamwork is so important to solving community problems. We need to have them experience and understand that teamwork is critical both within the department and with community partners as well.
- The last concept is training not to an event, but *through* an event. I've noticed that in law enforcement, we love to train to the biggest possible bad scenario. Generally in law enforcement, it just doesn't end there. You have to think about what will happen after the event is over.

Wexler: How much of this training is based on what you had to do through the consent decree?

Director Pannell: It's based primarily on our lessons learned from going to other departments, but yes, it was important to incorporate elements of training from the consent decree. We were told to look around for best practices and find out if we were training the way we needed to get people to perform in the field. While we had kept our academy current with legal changes and POST expectations, we hadn't examined our complete academy curriculum as a whole, from start to finish in a very long time. It's a very difficult process.

LAPD Deputy Chief William Murphy: We had a consent decree with 106 paragraphs, of which about 20 related to training, and most of that was about police integrity. Instead of doing the conventional thing and creating a specific class on those issues, we took those concepts and infused them into all our courses. We didn't just put the elements of the consent decree into one class; we applied them to thousands of pages of curricula.

Wexler: How do you measure effectiveness?

Deputy Chief William Murphy: One of the outcomes is the level of public support. When I joined the LAPD, there were segments of the community that totally hated us. I haven't seen the polling data recently, but as of a couple years ago, we polled higher than elected officials.

Richmond, CA Chief Chris Magnus:

Officers Are Pragmatic; They Want to Do What Works Best

I've been the chief in Richmond for just under 10 years. Richmond is close to Oakland and faces some of the same challenges. We have about 120,000 residents. It's a middle- to lower-income community with a history of high crime. Our officers get exposure to a lot of difficult people under a lot of difficult circumstances, and they take a lot of weapons off the street.

One of the great things about cops, including those in Richmond, is that they're pragmatic and want to do things that work. Our challenge has been to find things that work to reduce crime, but not at the cost of compromising relationships with the community, and not at the cost of officers getting hurt or killed.

We found that a lot of that comes back to training.

Training can be frustrating for a lot of smaller agencies, because they often don't have the option of having their own academies, where they can start the process of exposing recruits to the agency culture from day one. For example, I have the option of sending recruits to two military-style academies that compartmentalize community policing to a very short time period. De-escalation is not a priority. That makes it difficult, because we have to make that training up in-house.

So what we've tried to do is take an integrated approach. For example, with firearms we don't just send people to the range once or twice a year to shoot at a target all day, and then send them to a session on community policing where they're put to sleep by some instructor who talks about something they ought to be doing in their community. The goal is to get away from the silo approach to training.

Training to put the various skills together: Unfortunately, even our state POST encourages the idea that there is a list of training that everybody needs, which in practice becomes a very compartmentalized approach to teaching a lot of different skills. The idea of putting the skills *together,* and

teaching decision-making about which skills to use, isn't emphasized.

So we try to have our officers do firearms training almost monthly, but for shorter periods of time. Often it's at the range, and sometimes it's just shooting, but often it involves combining shooting with de-escalation skills, role playing, analysis of solving a problem or dealing with a situation, and integrating a lot of different things. And that's become the mantra across the board: *How can we integrate training so that officers see the skills fitting into situations they deal with on a daily basis?*

Officers understand that the chief and the community want them to engage with the community, but they wonder what exactly that means. How do you engage in casual conversation with folks in the community if you have nothing in common with them? How do you de-escalate? And how do these concepts get wrapped into a regimen of training that is done constantly throughout the year?

I'd say the common themes are integration, getting away from a siloed approach to training, making it relevant, using officers who have credibility in the department to do the training, and bringing in people from the community to help do the training.

We've had two fatal officer-involved shootings over a 10-year period in a community where we're taking one to two guns off the street per day, with one of the higher rates of violent crime on a national level. I think it's a credit to our officers that we don't have more officer-involved shootings, because they have learned how to work together as a team and how to slow things down to reduce the need for force.

We must find ways to learn lessons without pointing fingers: One thing we still have trouble with is getting people within the police department to have an internal dialogue about incidents that go wrong. We need to figure out how to have that discussion without pointing fingers or assessing blame. The response is always, "Great, Monday-morning quarterbacking from people who weren't there and want to try to get us in trouble for what we did or didn't do."

We have to figure out how we can do a better job in this profession of having those kinds of conversations about what happened at an incident, what our takeaways are, and how we learn from it going forward, without people feeling it's designed to get people into trouble or to avoid liability. We're not there yet. We struggle with that in our own department.

Las Vegas Deputy Chief Kirk Primas:

Sanctity of Human Life Is the First Paragraph of Our Policy

In 2010, we had 25 officer-involved shootings. They were often the result of low-level encounters; a number of the suspects were unarmed; and a higher number of suspects were members of minority groups. We recognized a problem, but we did not end up in a consent decree. Our former sheriff, Doug Gillespie, entered us into the first collaborative reform process with the COPS Office. It's basically a self-assessment of everything that's been talked about today, with some support from the COPS Office. Everything that has been done by those who have spoken today—Oakland, Los Angeles, Seattle, Richmond—we have done, too.

Our sheriff recognized that we had to change, and that included a change in the department's culture. So we revamped our policies, and we put "respect for the sanctity of human life" in the first paragraph of our use-of-force policy. And in our training, we're bringing in officers who have been involved in shootings, including "suicide by cop" incidents, to talk to our trainees about what it's like to take a life and just how monumental it is.

The public doesn't understand how traumatic an officer-involved shooting can be for the officer, and many of us don't understand, either. We often don't take care of officers as well as we should. I believe I heard the deputy chief from LAPD mention a protocol mandating a return to duty for officers within 90 days of an officer-involved shooting, and we did something similar in revamping our return-to-service protocol. We do everything we can for them from day one, but then we want to get them back to service as quickly as possible.

After a shooting or other critical incident, we take the lessons learned and immediately change

our training, whether it's in the Academy, in-service, or scenario-based training.

As the LAPD said, our officers cannot wait to get to training. They want to come, because it's interesting and it's always changing.

Wexler: Your union was resistant to making changes. What has made them come around?

Deputy Chief Primas: We brought them in during the policy development. We got vocal senior officers to come in and help develop the training and then train everybody else on use of force. We also made the training relevant and exciting. And the results have shown them that it's successful.

The final thing is that we really stepped up our accountability mechanisms, especially on deadly force. We have a unique use-of-force board with seven members, four of whom are civilians. The review has two parts. One is that when you shoot your weapon, you're going to be held accountable for that use of deadly force. The other is that we investigate everything having to do with that officer-involved shooting, from the time the call comes into the dispatcher to the supervisor response. Everybody is brought in and held accountable for their actions, good or bad.

Holding people accountable has sparked the conversations in the briefing rooms about strategies for de-escalation and reducing use of force. For example, a supervisor who knows that he will be held responsible will now engage his officers in debriefings and self-assessments, which happen daily now.

Nassau County Chief of Dept. Steven Skrynecki:

We Should Recognize the Complexity of Officers' Initial Assessments of Situations

As we study the use of force and look for solutions to prevent excessive use of force, we need to recognize the complexities associated with immediate assessment and the demand for immediate and correct action. The increasing frequency of active shooter events we face in the United States today, places high demands on police officers to respond quickly and directly into live fire situations. There is no more waiting for the SWAT team. We put a lot of emphasis on training and preparing our officers to respond and take immediate action. We tell them, "You've got to be prepared to run in there right away, risk your life if necessary—your mission is to take out the shooter and prevent the next person from being shot."

We expect officers to make the right decision every time, but we should not lose sight of the fact that they have only seconds to make that decision. That initial assessment of a situation is most critical. In some cases, it will dictate an immediate use of force, possibly lethal. In other cases, they may have the opportunity to do everything we've been talking about today, de-escalation.

The demands and expectations placed on officers today are higher than ever. The individual officer needs to be more alert, better trained and better prepared to make the right choice on his/her own. It brings to question, are we hiring the right people? Are we recruiting people who possess the skills necessary to manage these complex situations? Are our testing methods geared to select those best qualified (critical decision making)? Is it time to raise the bar and adjust our employment standards to meet these new challenges? Does the DOJ, who monitors and determines whether entrance exams are job-related,

Nassau County Chief of Department Steven Skrynecki

recognize that policing today is not the same as it was 15 or 20 years ago?

Boston Police Superintendent Kevin Buckley:

We Work with Mental Health Clinicians To Divert Mentally Ill Persons from Arrest

The Boston Police Department partners with clinicians from the Boston Emergency Services Team (BEST), in a grant-funded, jail diversion program for persons with mental illness or an emotional disturbance. Clinicians ride with police officers and respond to calls to identify individuals who can benefit from therapeutic services; the aim is to reduce the overall amount of involvement in the criminal justice system. The program diverts individuals away from emergency rooms and arrest. It has been successful in Boston.

Montgomery County, MD Chief Tom Manger:

In Addition to Policies and Training, Consider What Happens After a Use of Force

We've talked a lot today about the training and policy development that lie behind any use of force, but we should also consider what happens *after* that use of force. That is a very important part of what we as police chiefs and sheriffs have to manage. And how you manage that afterwards can often shape the reaction from the community to that particular incident.

Boston Police Superintendent Kevin Buckley

Bill O'Toole, Director, Northern VA Criminal Justice Training Academy:

A Culture of Ethics and Professionalism Should Permeate Recruit Training

For nine years, we've been telling our recruits that two things matter most: "Your safety, and our integrity." That became our mantra. But now we're going to change that, and tell recruits that what matters most is an unwavering commitment to the sanctity of human life, followed by your safety and our integrity.

In your PERF survey, we were asked how many hours of training we provide on various topics, including ethics. And on ethics, I wanted to list "6," but with a big asterisk. We have a six-hour block of training called "ethics and integrity," but we have 825 hours in our basic law enforcement school, and I would tell you we strive to have 825 hours of emphasis on ethics and integrity. As others have mentioned here today, it's important to get away from the stovepipes and integrate the most important concepts throughout the training program.

We survey our recruits several times in every session and then we have a focus group, and some of the recurring themes each time are things like, "I wish all of the instructors were consistent; I wish they were all on the same page." And so every time we start a new session and meet with our staff, we try to find ways to repeat and reinforce these most important themes in every aspect of the training.

We've had discussions about police culture. When I was 21, I joined the Army for military police training, so I could get a veteran's preference to get into the policing profession. And that was my first exposure to training. We were often demeaned, dehumanized, spoken down to, subjected to profanity, and it didn't seem to make sense, but it was military training and I figured there was probably some purpose to it. I've seen this same type of training rearing its ugly head at some academies, or

ABOVE: Bill O'Toole, Director, Northern Virginia Criminal Justice Training Academy
BELOW: Provo, UT Chief John King

with some instructors, or even within some agencies, thinking that this military model is going to "toughen somebody up." I think this philosophy of training is completely wrong for law enforcement academies.

I feel very strongly about the importance of our instructors modeling the same behaviors that we want our recruits to exhibit when they interact with the public after they graduate. So when we ask, "Where can we start," our starting point is in developing and maintaining the right training culture—an ethical and professional environment for training.

When my police chiefs and sheriffs ask, "How's the basic training going?" I won't tell them that we're covering all of the topics that they've identified as important because the lesson plans look great to me from my desk. Instead, I need to get into the classrooms and the hallways to know firsthand if the demeanor of our instructors conforms to the culture we are striving for, and if the important themes that we have identified are being integrated into the discussions.

I also think it's important for the chiefs and their command staff to occasionally attend the training. When you sit in the back of the classroom and you're actually hearing how it's coming out, you're either going to be assured that you like what you're hearing, or you're going to want to make some changes.

Provo, UT Chief John King:

We Provide Guidance to Families Of Officers Involved in a Shooting

We had an officer-involved shooting, and one of the things that we took away from it was that we trained the officers but failed to provide education to the officers' families about what happens to them if their loved one is involved in an incident. We realized we need to tell them about the media focus that will be on them, that the name of their loved one is going to be out there, that the kids should know what to expect in school. As we look at this overall picture of training, we should think about the welfare of the officers as well as the other aspects of it.

Ronald Ruecker, FBI Senior Advisor For Law Enforcement:

All the Issues Being Discussed Here Apply to the FBI as Well

All of these issues relate just as much to the FBI as they do to everyone else in the room. Little of what we do in our organization is done apart from state and local law enforcement, especially Task Force operations and other work we do side by side with our state and local partners. So we're very interested in these conversations, and I'm excited to take back a lot of what we've talked about today.

ABOVE: Ronald Ruecker, FBI Senior Advisor for Law Enforcement
BELOW: Christy Lopez, Deputy Chief, DOJ Civil Rights Division

Deputy Chief Christy Lopez, DOJ Civil Rights Division:

We Need to Change How Officers Act In the Aftermath of a Shooting

One of the things that affects a community's perception of whether a shooting was "good" or "bad" is what happens in the moments immediately afterwards. We need to rethink the almost reflexive handcuffing of the person who's just been shot and who may be dead, the treatment of family members who come up and try to give care to that person, the optics of officers who appear to be "standing around," seemingly idly waiting for the ambulance and chatting with fellow officers, while providing no medical care to the person shot by police. Those images are important, and they influence the way the entire country sees these events. We should teach officers to understand the nuances—for example, that sometimes you need to handcuff the person you have shot and severely injured, but usually you don't. I realize that's a difficult psychological transition for an officer to make, from stopping a threat to suddenly turning back into the protector. But we have to address this.

We also have to give officers support after they are involved in one of these situations. I think that one of the reasons we have evolved into this "us vs. them, winner vs. loser," warrior mentality is that it's easier in some ways, after an officer has just killed somebody, to be able to tell an officer, "It's okay, you were the good guy, he was the bad guy, you won, he lost." If we're going to move away from that and look for win-win situations where nobody gets hurt, we need to counsel officers in a different way, and provide them with support in a different way. We need to acknowledge to officers that even when a shooting is completely justified, it can be painful and even traumatic for an officer—and that this impact on officers is one of the reasons it is so important to try to avoid these "win-lose" outcomes.

Wexler: Bernie, you want to add something….

Bernard Higgins: We train our firearms officers to do two things. The first is the "single shot, assess, single shot again if necessary." The second is that after you mitigate the threat, your immediate duty is to administer emergency first aid. Every firearms officer in Scotland is trained to not quite a paramedic label, but a number of firearms cars in Scotland have a defibrillator. So as soon as we deploy a Taser or a conventional weapon, as soon as the threat is neutralized, the officer's absolute duty is to go and save that individual's life.

Camden County, NJ Chief Scott Thomson:

We Also Need Early Intervention Systems To Detect Bad Behavior Immediately

We've spoken about policies and training, and I think another issue we need to take from this meeting is to have Early Intervention Systems and other mechanism of accountability, so we will have the

ability to identify any improper behavior on a daily basis.

One of the things we have heard from the community, particular people of color and people in our most challenged communities, is that these incidents we have seen have just served as a flash point. It's the frustration of their perceived inequities, in hundreds if not thousands of occasions, which may not manifest themselves in use-of-force situations, but in officers' demeanor.

When we start to dehumanize people, we lose our legitimacy within that community. We can have the strongest use-of-force policies in the world, but if we're not addressing this from the front end, we'll lose the trust of the community.

Flint, MI Chief James Tolbert:

Develop Ties to Community Leaders Before You Have a Crisis

I advocate having a critical incident response that includes the community. So before a use of force incident occurs, you get with the community leaders and tell them, "Here's why we do what we do at a crime scene." You put that information out at the front end, and you have these community leaders who are actually part of your response team—you have somebody at the scene, at the command post, at the hospital—and these are people the community know, and respect.

So when you have an incident, these community leaders can say, "We know what's going on here, and the police are following the process." The community needs to understand what we do on the front end, because if you try to explain it during a crisis, when all the emotions are inflamed, it won't work.

Sean Smoot, Chief Legal Counsel, Illinois Police Benevolent & Protective Association:

Officers Need Realistic, Scenario-Based Training on Use of Force

If you want to ensure that your officers will perform according to policy, you have to do real-life, scenario-based training. In Illinois and I think in a lot of other states, the only firearms training that's required is an annual firearms qualification, that consists of shooting 40 rounds of ammunition at a stationary target. That's not going to cut it; that's not going to train our officers to make a split-second decision in the middle of the night somewhere. If you do one thing for your officers when you go back to your agency, get a FATS (Fire Arms Training Simulator) system.[33]

Also, invite the press and community leaders to participate in FATS training. It's very realistic, and it doesn't require people to actually fire a firearm. It's tremendous, because it gives them a totally different perspective on what an officer goes through in that split-second. And this needs to be done on a continuing basis.

Luann Pannell, LAPD Director Of Police Training and Education:

We Need More Continuity In Who Runs Our Training Academies

One of the challenges I'm seeing as I have conversations with many agencies is that the turnover in who we assign to training is too high. Our department is no different; while I've been Director of Police Training, we've had seven Academy captains in the last nine years. So trying to achieve continuity is difficult. We have all these good ideas, but when there is a high turnover at the captain level, the sergeants can really end up running the training. Most departments don't have a civilian Director position in training, but without that consistency, it would have been very difficult for us to make the significant changes that we did. So it's important to think about who we put in place at the academy, and giving them the time to actually implement the changes you want to make happen is critical.

33. See, for example, the Pasadena, CA Police Department's use of a FATS simulator at https://www.youtube.com/watch?v=HNzR4I1VGPk.

The Final Word, by Daytona Beach Police Chief Michael Chitwood:

Policing Has Changed, And Our Officers Are Looking to Us to Lead Them

Wexler: Mike, you are what John Timoney would call "a cop's cop." You came out of Philadelphia, now you're chief in Daytona Beach. As you've been listening to all this, have you been thinking, "Can I still be a cop with all this?" Is what we've been talking about consistent with being a good cop?

Chief Chitwood: They're one and the same. We've heard about sergeants telling their cops that their top priority is to get home safely at the end of the day, and some are questioning that, but it is our responsibility to do that. And part of that responsibility is providing them with the training and the equipment so they can de-escalate, and *everybody* gets home safely. That's what this is all about.

Wexler: Even necessarily the people who committed a crime?

Chief Chitwood: Even necessarily the people who committed a crime. It goes back to what somebody said earlier—the sanctity of life. This is what makes the nations with democratic policing different from the rest of the world.

Wexler: Mike, is this a difficult message for you to go back and give to your officers? We're talking about changing a cultural mindset. Am I being extremist when I talk about this as the "Tylenol moment," when police must go back to the drawing board and reinvent what we do?

Chief Chitwood: You're on target, in my opinion. We have to drop back and say that what we did 20 years ago, or 27 years ago when I got out of the Academy, is not good enough. Things have changed. Society has changed, and our job has changed. People are calling us because of poverty, inequity, and all these other issues. And our young men and young women have to be able to deal with that.

Daytona Beach, FL Chief Michael Chitwood

It's our job as leaders—what we're doing here today—to come up with a way to accomplish that mission. I don't think that any professional police officer, Chuck, can look at what happened in North Charleston and not be repulsed, because that's not what we signed up for. I don't think anybody can look at what happened on the side of that mountain in New Mexico and not think, "My God, what was going through their mind that they would do that?"

So I think that the overwhelming majority of officers in this country are saying, "Lead us. Show us what you want us to do, and we're going to do it."

Wexler: And isn't the challenge that we have 18,000 departments doing different things? It's not like Scotland, where they have one police department for the entire country. It's difficult, isn't it?

Chief Chitwood: If it were easy, we wouldn't be sitting here, having this meeting.

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.

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- *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned (2014)*
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- *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)*

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MOTOROLA SOLUTIONS IS A LEADING PROVIDER of mission-critical communication products and services for enterprise and government customers. Through leading-edge innovation and communications technology, it is a global leader that enables its customers to be their best in the moments that matter.

Motorola Solutions serves both enterprise and government customers with core markets in public safety government agencies and commercial enterprises. Our leadership in these areas includes public safety communications from infrastructure to applications and devices such as radios as well as task specific mobile computing devices for enterprises. We produce advanced data capture devices such as barcode scanners and RFID (radio-frequency identification) products for business. We make professional and commercial two-way radios for a variety of markets, and we also bring unlicensed wireless broadband capabilities and wireless local area networks—or WLAN—to retail enterprises.

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.

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APPENDIX
Participants at the PERF Summit "Re-Engineering Training on Police Use of Force"
May 7, 2015, Washington, D.C.

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Deputy Director John Buchanan
COAST GUARD INVESTIGATIVE SERVICE

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BOSTON POLICE DEPARTMENT

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Titles reflect participants' positions at the time of the meeting in May 2015.

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We are grateful to the Motorola Solutions Foundation for its support of the Critical Issues in Policing Series