

# Guiding Principles On Use of Force



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• OFFICER SAFETY • DISTANCE + COVER = TIME • CRISIS INTERVENTION •  
CRITICAL DECISION-MAKING MODEL • CONTAIN AND NEGOTIATE • TIME  
IS ON OUR SIDE • TACTICAL COMMUNICATIONS • CHALLENGING CON-  
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OPTIONS • ETHICS • AGENCY VALUES • RENDER FIRST AID • OFFICER  
WELLNESS • TRAINING AS TEAMS • PERSONAL PROTECTION SHIELDS •  
SUPERVISORY RESPONSE • SLOWING THE SITUATION DOWN • TACTICAL  
REPOSITIONING • COMMUNITY-POLICE TRUST • POLICE CULTURE • SAFE  
ZONE • CALL-TAKERS AND DISPATCHERS • TRANSPARENCY • ACCOUNTABILITY



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CRITICAL ISSUES IN POLICING SERIES

# Guiding Principles on Use of Force

March 2016



POLICE EXECUTIVE  
RESEARCH FORUM

**Cover photos:**

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

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

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

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# Contents

Acknowledgments .....	1
-----------------------	---

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

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

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

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

Key Insights from PERF’s Work .....	13
-------------------------------------	----

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

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

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

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

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

## **PERF’s 30 Guiding Principles on Use of Force ..... 33**

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

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

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

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

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

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

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

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

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

**Lessons Learned from Police Scotland ..... 88**

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

**Conclusion: The Policing Profession is Moving Forward ..... 116**

About PERF..... 121

About Motorola Solutions  
and the Motorola Solutions Foundation ..... 123

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



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

# Acknowledgments

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

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

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

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

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

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

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

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

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

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

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

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

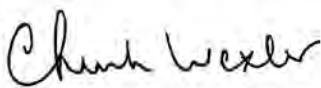


allowed PERF staff members to ride the streets of Belfast with their officers and learn how they approach use-of-force issues in a society that has experienced problems with gun violence and terrorism, and where police officers are armed. A special thank-you to Deputy Chief Drew Harris; Superintendent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

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

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

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



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

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

*By Chuck Wexler*

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

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

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

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

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

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

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

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

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

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

**We have focused especially on two types of police encounters:**

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

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

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

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

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

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

## What Use-of-Force Statistics Tell Us

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

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

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

In the meantime, two news organizations—*The Washington Post* and *The Guardian*—have undertaken major projects to gather police use-of-force statistics. Using open-source data from news reports and other resources, these news outlets have begun compiling data on civilians who die during encounters with the police. *The Washington Post* reported that 990 people were shot and killed by police in 2015.<sup>4</sup> *The Guardian*, which counts both fatal shootings and other in-custody deaths, reported 1,134 deaths last year.<sup>5</sup>

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

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

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2. *Crime in the United States, 2014*. Expanded Homicide Data, Table 14, "Justifiable Homicide." FBI. [https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/expanded-homicide-data/expanded\\_homicide\\_data\\_table\\_14\\_justifiable\\_homicide\\_by\\_weapon\\_law\\_enforcement\\_2010-2014.xls](https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/expanded-homicide-data/expanded_homicide_data_table_14_justifiable_homicide_by_weapon_law_enforcement_2010-2014.xls)

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

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

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

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

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

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

Regarding non-firearm encounters, the *Washington Post* data indicate the following:<sup>7</sup>

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

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

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

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

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

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

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

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

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

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

## The Research and Conferences Of Police Officials Behind This Report

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

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

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

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



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

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

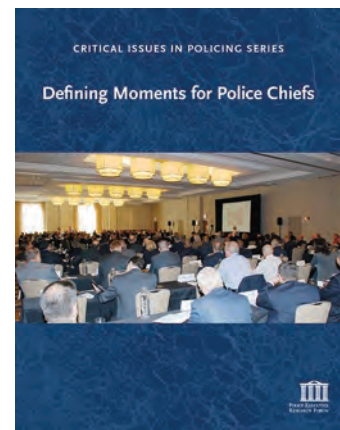
12. *Electronic Control Weapon Guidelines* (2011). Police Executive Research Forum. [http://www.policeforum.org/assets/docs/Free\\_Online\\_Documents/Use\\_of\\_Force/electronic%20control%20weapon%20guidelines%202011.pdf](http://www.policeforum.org/assets/docs/Free_Online_Documents/Use_of_Force/electronic%20control%20weapon%20guidelines%202011.pdf)

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



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

On September 16–17, 2014, approximately 180 police executives and others met in Chicago for this discussion. Specifically, the police chiefs and other participants discussed three major topics: (1) whether and how police agencies should publicly release the name of the officer and other critical information following an officer-involved shooting; (2) perceptions of “militarization” of police in response to large-scale demonstrations; and (3) de-escalation strategies, particularly new concepts for reviewing the moments *before* a use of lethal force, to see if officers missed opportunities for de-escalating the situation, rather than focusing solely on the moment when lethal force was considered necessary and was used. The report on the “Defining Moments” conference was published in February 2015.<sup>14</sup>



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

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

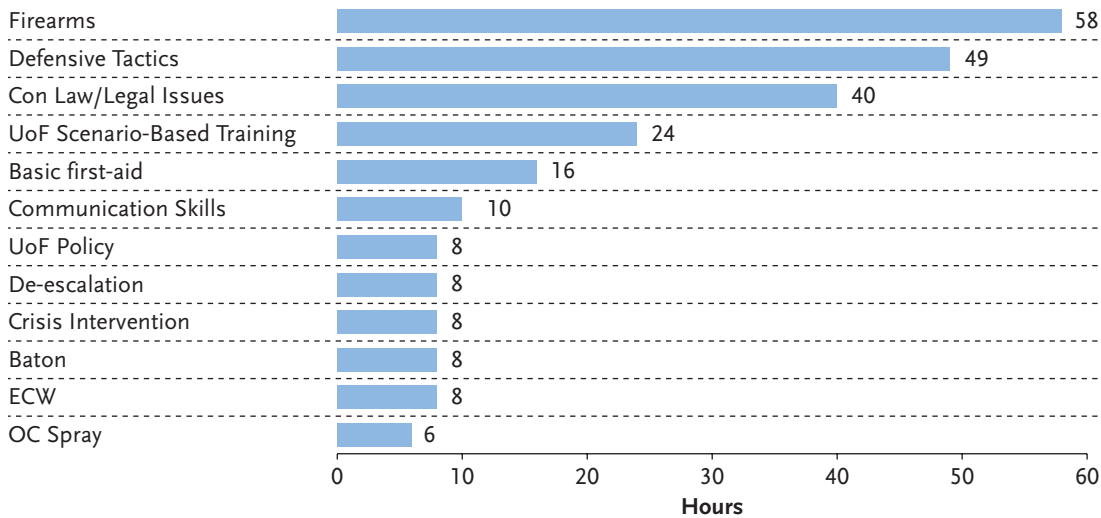
**“Re-Engineering Training” conference and report:** With the survey and other information in hand, PERF convened another national conference on May 7, 2015, to elicit more specific ideas on new approaches to training on

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

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

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

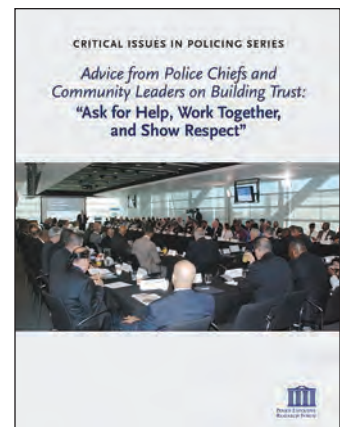
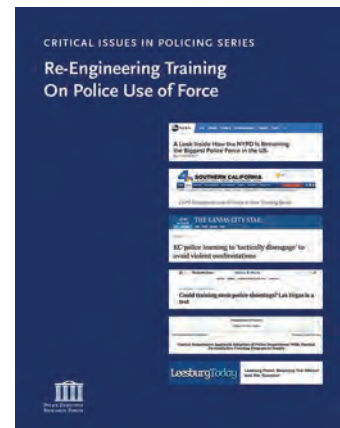


Source: Police Executive Research Forum

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

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

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



16. Ibid.

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



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



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

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

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

### **Field study at the New York City Police Department Emergency Service**

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

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

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

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



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

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

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

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

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

#### **Police Service of Northern Ireland Sergeant Dave McNally:**

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

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

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



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



January 12–13, 2016  
meeting

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

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

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

## Key Insights from PERF’s Work

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





January 29, 2016 meeting

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

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

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

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

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

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

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

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

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

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

PERF recognizes that police agencies will always have a variety of policies on particular issues with respect to use of force. As best policies and practices emerge, agencies should move quickly to adopt them.

**The U.S. Supreme Court’s landmark 1989 decision in *Graham v. Connor* outlines broad principles regarding what police officers *can legally do* in possible use-of-force situations, but it does not provide specific guidance on what officers *should do*. It is up to individual police agencies to determine how to incorporate the Court’s principles into their own policies and training.**

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

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

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

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

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

**Thus, the Supreme Court provides broad principles, but leaves it to individual police agencies to determine how to incorporate those principles into their policies and training, in order to teach officers how to perform their duties on a daily basis.** As a number of police chiefs have noted, the legal precedent tells officers what they *can* do. But in the words of Chief Cathy Lanier of the Metropolitan Police Department of Washington, D.C., “The question is not, ‘*Can* you use deadly force?’ The question is, ‘Did you *absolutely have* to use deadly force?’ ... And the decisions *leading up to* the moment when you fired a shot ultimately determine whether you had to or not.”<sup>22</sup>

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

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

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

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

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

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

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

>> continued on page 19

### **Hampton, VA Police Chief Terry Sult:**

*The Policing Profession Defines  
What Is Objectively Reasonable*

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

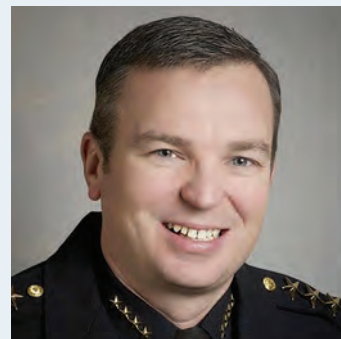
Who defines what the reasonable officer standard is? We do, through policy, equipment, training, and the teachings we do. If we don't refine and evolve what the reasonable officer standard is through these initiatives that we are talking about here today, the courts are going to do it for us. And I do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



### **Truckee, CA Police Chief Adam McGill:**

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

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



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



## How Professional Policing Standards Can Become Legal Standards

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

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

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

### Court Decision Cites PERF/COPS Office Guidelines

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

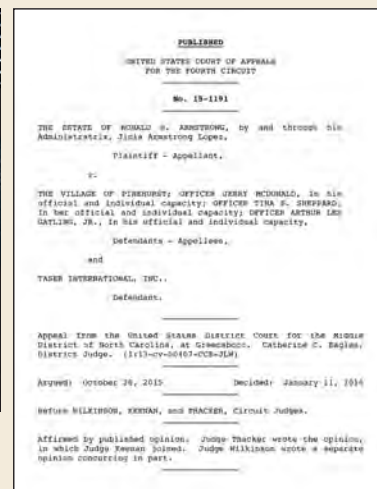
The Court also based its decision in part on the fact that the Pinehurst officers’ actions went against guidance provided in 2011 by the Police Executive Research Forum and the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS).<sup>25</sup> The Fourth Circuit court quoted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

### Use of an ECW Was Not a “Proportionate Response”

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

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

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



24. For a summary of the case, see “4th Circuit rules use of Taser can be unconstitutionally excessive force.” ABA Journal, Jan. 26, 2016. [http://www.abajournal.com/news/article/4th\\_circuit\\_rules\\_use\\_of\\_taser\\_can\\_be\\_unconstitutionally\\_excessive\\_force/](http://www.abajournal.com/news/article/4th_circuit_rules_use_of_taser_can_be_unconstitutionally_excessive_force/)

25. 2011 Electronic Control Weapon Guidelines. PERF and the COPS Office, 2011. [http://www.policeforum.org/assets/docs/Free\\_Online\\_Documents/Use\\_of\\_Force/electronic%20control%20weapon%20guidelines%202011.pdf](http://www.policeforum.org/assets/docs/Free_Online_Documents/Use_of_Force/electronic%20control%20weapon%20guidelines%202011.pdf)

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

27. *Ibid.*

28. *Ibid.*, page 19.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

## Enhancing Officer Safety and Wellness

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

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

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

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

>> *continued on page 25*

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

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

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

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

**By Sarah Creighton and Dr. Daniel Blumberg**

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

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

### Promoting Honest Discussions about Anger and Fear

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

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

### Emotional Intelligence Helps to Enhance Officer Safety

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

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

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



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

### **A Progressive Series of Wellness-Focused Training**

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

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

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

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

### **A Culture of Wellness Improves Officer Safety**

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

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

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



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



### *Protecting officers' physical and emotional well-being*

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

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

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

## **What You Will Find in This Report**

The remainder of this report includes two main sections:

### *PERF's 30 Guiding Principles on Use of Force*

The report presents 30 Guiding Principles on Use of Force that are designed to provide officers with guidance and options, and to reduce unnecessary uses of force *in situations that do not involve suspects armed with firearms*. Our Guiding Principles reflect 18 months of research and discussion on the most critical use-of-force issues facing police agencies today.

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

The Guiding Principles are organized into four areas:

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

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

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

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

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

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

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

37. “Annual Firearms Discharge Report 2014.” New York City Police Department, [http://www.nyc.gov/html/nypd/downloads/pdf/analysis\\_and\\_planning/nypd\\_annual\\_firearms\\_discharge\\_report\\_2014V3.pdf](http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/nypd_annual_firearms_discharge_report_2014V3.pdf).

38. Ibid., Figures 40 and 41, page 54. [http://www.nyc.gov/html/nypd/downloads/pdf/analysis\\_and\\_planning/nypd\\_annual\\_firearms\\_discharge\\_report\\_2014V3.pdf](http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/nypd_annual_firearms_discharge_report_2014V3.pdf)



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

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

### *PERF's Critical Decision-Making Model*

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

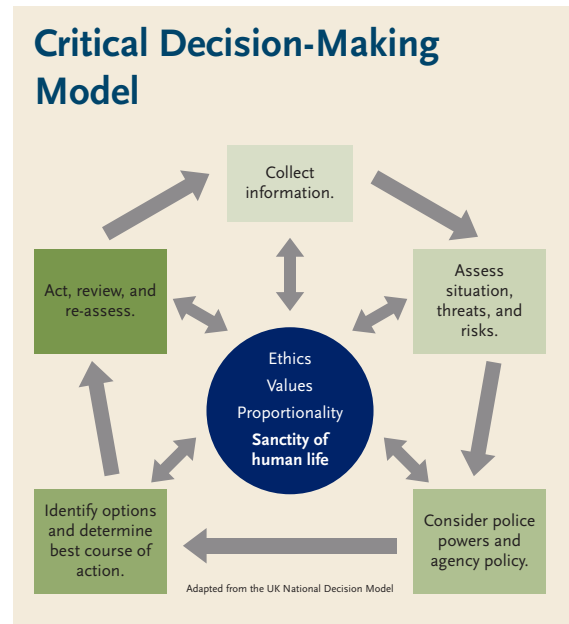
The five-step Critical Decision-Making Model (CDM) is based largely on the National Decision Model that has been used effectively in the UK for several years. PERF's CDM is designed to meet the needs of U.S. police agencies seeking a better way to teach officers how to think critically about various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

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

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

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

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



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

40. *Ibid.*, page 42.

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

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

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

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

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

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

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

## Adapting the Concepts of Specialized Tactical Units to Patrol

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

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

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

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

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

### Minneapolis Police Chief Janeé Harteau:

#### *Change Can Come with New Officers*

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

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

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



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

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

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

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

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

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

By Camden County, NJ Police Chief J. Scott Thomson

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

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

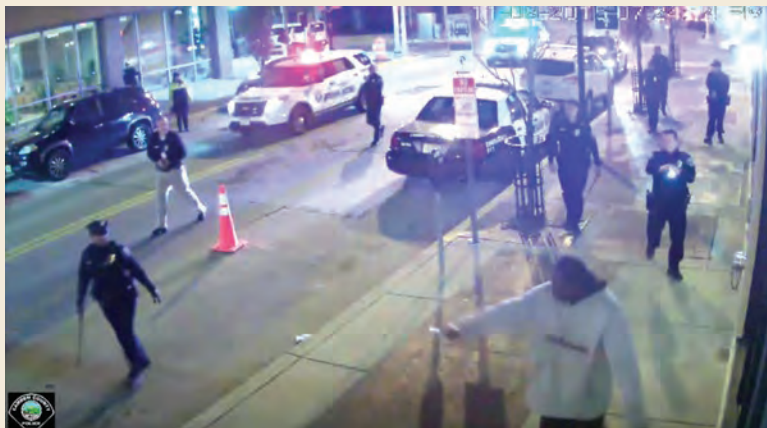
And so we have been talking about the “21-foot rule,” use-of-force continuums, legal standards, and what we can learn from police agencies with best practices in the United States and our brethren from the United Kingdom.

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

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

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

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



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

>> continued on page 32

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



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

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

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

### **The Ethical Protector program—Changing the culture of policing**

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

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

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

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

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

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

# PERF's 30 Guiding Principles On Use of Force

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

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

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

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

## Guiding Principles: Policy

### POLICY

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

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

#### *Examples*

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

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

#### **Montgomery County, MD Police Chief Tom Manger:**

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

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

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

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

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



44. [http://www.lvmpd.com/Portals/0/OIO/LVMPD\\_Collab\\_Reform\\_Final\\_Report\\_v6-final.pdf](http://www.lvmpd.com/Portals/0/OIO/LVMPD_Collab_Reform_Final_Report_v6-final.pdf)

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



Chief Tom Manger continued

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

### **Houston Executive Assistant Police Chief George Buenik:**

**SWAT Captain:** “We’re Not Going To Kill this Person”

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

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



## POLICY

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

#### *Discussion*

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

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

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

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

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

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

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

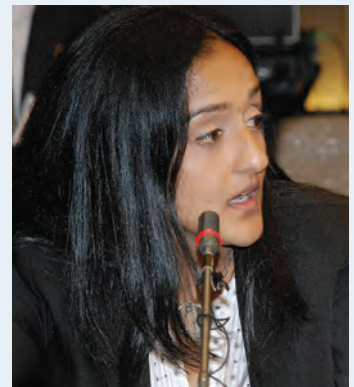
In this report, PERF recommends a number of policies that, while not currently required by the Supreme Court's standard, should be considered nonetheless, in the view of leading PERF chiefs. Many of these policies have already been adopted in some departments, including a *duty to intervene* if officers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

**Principal Deputy Assistant Attorney General Vanita Gupta:**

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

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

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



Vanita Gupta continued

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

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

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

### **Milwaukee Police Chief Ed Flynn:**

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

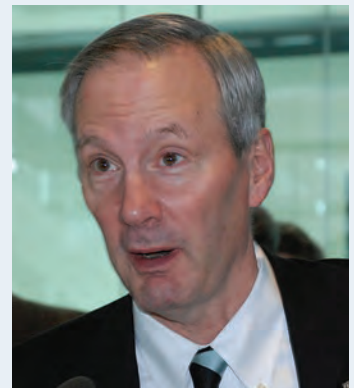
*Chief Flynn discussed his handling of Officer Christopher Manney's fatal shooting of Dontre Hamilton, a man suffering from mental illness who was sleeping in a park.<sup>47</sup> The incident occurred on April 30, 2014.*

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

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

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

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



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

*Chief Ed Flynn continued*

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

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

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

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

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

## POLICY

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

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

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

#### *Discussion*

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

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

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

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

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

### **Washington, DC Metropolitan Police Chief Cathy Lanier:**

#### *Here's What Proportionality Means to Me*

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

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



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



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

*The First 3 Principles Are Questions of Humanity*

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



**Police Scotland Sergeant Jim Young:**

*Why Use a Sledgehammer to Crack a Nut?*

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

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



POLICY

**4 Adopt *de-escalation* as formal agency policy.**

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

*Example*

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

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



## POLICY

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

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

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

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

#### **COPS Office Director Ronald Davis:**

##### *We Are Creating Professional Standards*

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



## POLICY

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

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

#### *Examples*

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

50. [https://www.phoenix.gov/policesite/Documents/operations\\_orders.pdf](https://www.phoenix.gov/policesite/Documents/operations_orders.pdf)

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

### **NYPD First Deputy Police Commissioner Benjamin Tucker:**

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

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

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



### **San Francisco Police Chief Greg Suhr:**

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

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

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

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



51. [http://www.lvmpd.com/Portals/0/OIO/LVMPD\\_Collab\\_Reform\\_Final\\_Report\\_v6-final.pdf](http://www.lvmpd.com/Portals/0/OIO/LVMPD_Collab_Reform_Final_Report_v6-final.pdf)

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

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

*Chief Greg Suhr continued*

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

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

## POLICY

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

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

*Example*

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

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

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

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

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

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



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

**Shooting at vehicles must be prohibited.**

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

*Examples*

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

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

- New York Police Department<sup>56</sup> (enacted in 1972)
- Boston Police Department<sup>57</sup>
- Chicago Police Department<sup>58</sup>
- Cincinnati Police Department<sup>59</sup>
- Denver Police Department<sup>60</sup>
- Philadelphia Police Department<sup>61</sup>
- Washington, DC Metropolitan Police Department<sup>62</sup>

>> continued on page 48

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

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



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

56. [http://www.nyc.gov/html/oignypd/assets/downloads/pdf/oig\\_nypd\\_use\\_of\\_force\\_report\\_-\\_oct\\_1\\_2015.pdf](http://www.nyc.gov/html/oignypd/assets/downloads/pdf/oig_nypd_use_of_force_report_-_oct_1_2015.pdf), Appendix A.

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

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

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

60. [http://extras.mnginteractive.com/live/media/site36/2015/0609/20150609\\_081455\\_OMS-105-05\\_APPROVED\\_06-08-15.pdf](http://extras.mnginteractive.com/live/media/site36/2015/0609/20150609_081455_OMS-105-05_APPROVED_06-08-15.pdf)

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

62. [https://go.mpdconline.com/GO/GO\\_901\\_07.pdf](https://go.mpdconline.com/GO/GO_901_07.pdf)

### **Denver Police Chief Robert C. White:**

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

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

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

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



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

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

**By John F. Timoney**

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

### **Shooting at Moving Vehicles**

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

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

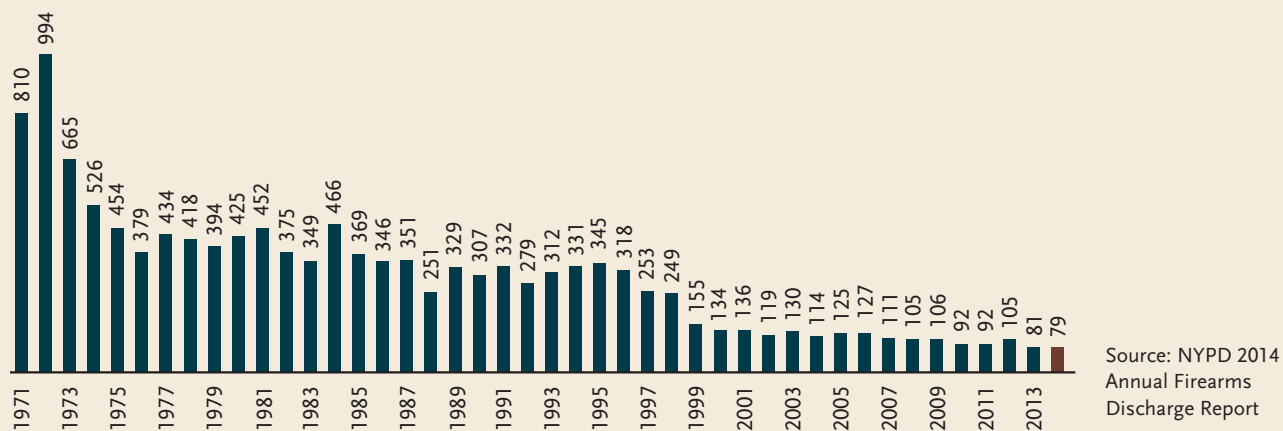
The package of reforms was not implemented immediately, because the top brass in the department were waiting for the right time to announce it. That moment came in August 1972, with the fatal shooting by an NYPD officer of an 11-year-old African-American boy who was fleeing in a stolen car.

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

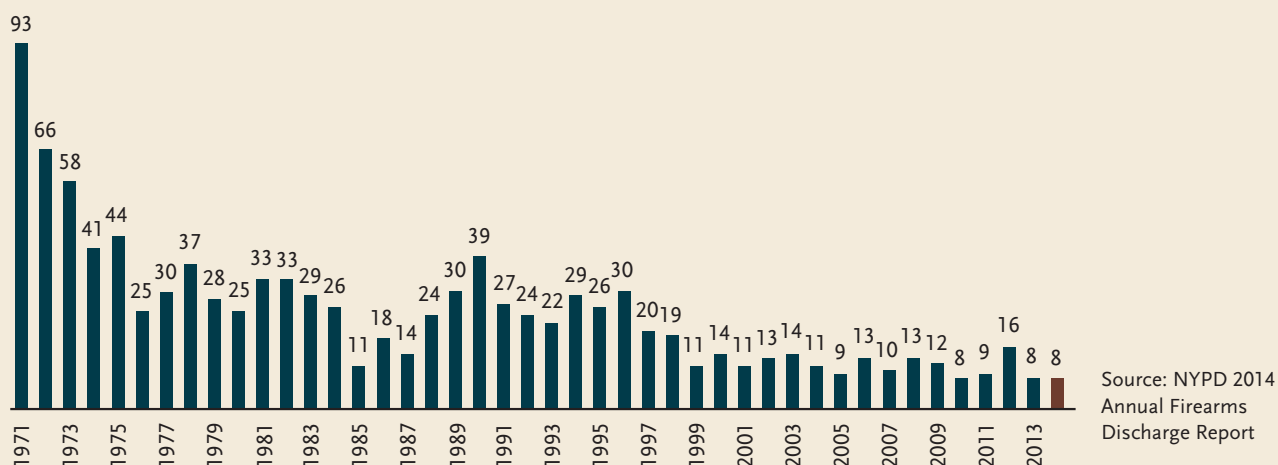
What nobody expected was how quickly the policy caused police shootings to plummet. The policy took effect in August 1972. In 1972, there were 994 shooting incidents involving NYPD officers. The numbers for September–December, immediately after the policy took effect, were down about 40 percent compared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



### Total Shooting Incidents Involving Officers, NYPD, 1971–2014



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



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

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

#### Duty To Intervene

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

63. New York Police Department. “2014 Annual Firearms Discharge Report.” Figure 45, “Total Shooting Incidents Involving Officers, 1971-2014.” Page 56. [http://www.nyc.gov/html/nypd/downloads/pdf/analysis\\_and\\_planning/nypd\\_annual\\_firearms\\_discharge\\_report\\_2014V3.pdf](http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/nypd_annual_firearms_discharge_report_2014V3.pdf)



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

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

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

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

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

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

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

### **We Can Do Better**

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

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

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

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

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

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

POLICY

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

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

**San Francisco Police Chief Greg Suhr:**

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

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

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



POLICY

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

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

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

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

## POLICY

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

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

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

### *Examples*

- **Los Angeles Police Department, Use of Force Year-End Review**<sup>64</sup>
- **New York City Police Department, Annual Firearms Discharge Report**<sup>65</sup>
- **Palm Beach County Sheriff’s Office, Division of Internal Affairs Annual Report**<sup>66</sup>

>> *continued on page 51*

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

65. [http://www.nyc.gov/html/nypd/downloads/pdf/analysis\\_and\\_planning/nypd\\_annual\\_firearms\\_discharge\\_report\\_2014V3.pdf](http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/nypd_annual_firearms_discharge_report_2014V3.pdf)

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

## Managing Use of Force in the NYPD

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

By William J. Bratton

Police Commissioner, City of New York

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



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

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

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

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

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

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

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

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

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

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

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

continued from page 49

## POLICY

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

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

## POLICY

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

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

## Guiding Principles: Training and Tactics

### TRAINING AND TACTICS

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

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

#### **Charles Ramsey, Philadelphia Police Commissioner (Ret.):**

*Police Trainers Sometimes Resist Changes in Policy and Training*

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

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

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





*Charles Ramsey continued*

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

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

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

TRAINING AND TACTICS

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

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

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

**Houston Executive Assistant Police Chief George Buenik:**

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

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



## TRAINING AND TACTICS

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

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

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

#### **Springboro, OH Police Chief Jeffrey Kruthoff:**

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

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



## TRAINING AND TACTICS

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

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

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

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

### **Palm Beach County, FL Sheriff Ric Bradshaw:**

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

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

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

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

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

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



18 De-escalation starts with *effective communications*.

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

**NYPD Deputy Inspector Matthew Galvin:**

*Communication Brings the Subject to Us*

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

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



**Fresno, CA Police Chief Jerry Dyer:**

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

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



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

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

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

>> *continued on page 60*



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

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

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

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

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

### Subjects Were Disorderly, Belligerent, Had Knives and Other Weapons

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

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

### Police Used Force in 2 Percent of the Encounters

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

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

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

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

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

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

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

### High Levels of CIT Training Are Essential

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

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

The Monitor concluded:

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

### Seattle Chief of Police Kathleen O’Toole:

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

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

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

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

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



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

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



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

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

*continued from page 57*

## TRAINING AND TACTICS

20

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

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

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

*CIT Focuses on Communications, Not Tactics*

**Wexler:** Laura, are CIT people trained in tactics?

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

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

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

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

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

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



## TRAINING AND TACTICS

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

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

## **Burlington, VT Police Chief Brandon del Pozo:**

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

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

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

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



## TRAINING AND TACTICS

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

Supervisors should immediately respond to any scene:

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

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

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