

Use of Force

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LEIAG Training Conference

Use of Force

- Discuss Use of Force investigations and outside monitoring responsibilities.
- Review individual and organizational assessments.
- Review best practices in use of force policy and investigations.
- Efforts by the IACP and PERF.
- Use of force training and documentation.
- Next steps: National Use of Force Database and external monitoring of police departments.



Law Enforcement Inspections and Auditing Group

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Scope and Limitations of Research

- What precisely have you been tasked to review?
- Unit of Analysis is important: Individuals, groups, organizations?
- When planning the research agenda, the scope has to be defined (other areas are important too: Personnel, Units, Budget, Methods, etc.)
- Here are some basic considerations:

Preparing to Conduct a Review

- Learn all you can about the organization (Literature Review).
- Meet the stakeholders.
- Who wants the review?
- Why is a review needed?
- What resources are available?
- What is your budget?
- What are your time limitations?

Unit of Analysis

- Individual
 - The Use of Force by an individual officer.
 - Determine reasonableness of the officer's actions.
 - May be related to an on-going criminal prosecution or civil litigation.
 - Criminal or administrative investigation?
- Organization
 - Has a pattern and practice of excessive force been established?
 - Is policy and training sufficient?
 - Has the organization failed in some way?

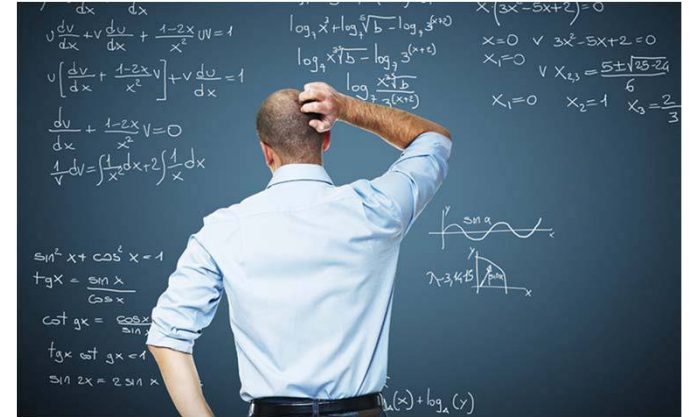
Use of Force by Individuals

- Officers under intense scrutiny.
- Are the actions justified or in violation of policy or law?
- Legal standards include *Tennessee v. Garner*, *Graham v. Conner*, and other tests of reasonableness.



Individuals Cont'd

- What happened? Investigators review the following documents:
 - Departmental Reports and all supplements
 - Video and Audio recordings
 - Booking documents/Jail intake
 - Injured prisoner forms/medical information
 - Court documents
 - Media accounts of the incident
 - Internal documentation (IA Investigation or Use of Force Report)



Individuals Cont'd

- Appropriateness of Actions:
 - Legal standards: What does *Graham* say?
 - Policy standards?
 - Officer's training record (Quantity, Quality, and how recent)?
 - Best Practices employed by the individual?



Graham v. Conner, 490 U.S. 386 (1989)

- The decision to use force 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 officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- The concept of “reasonableness” is also described: 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.

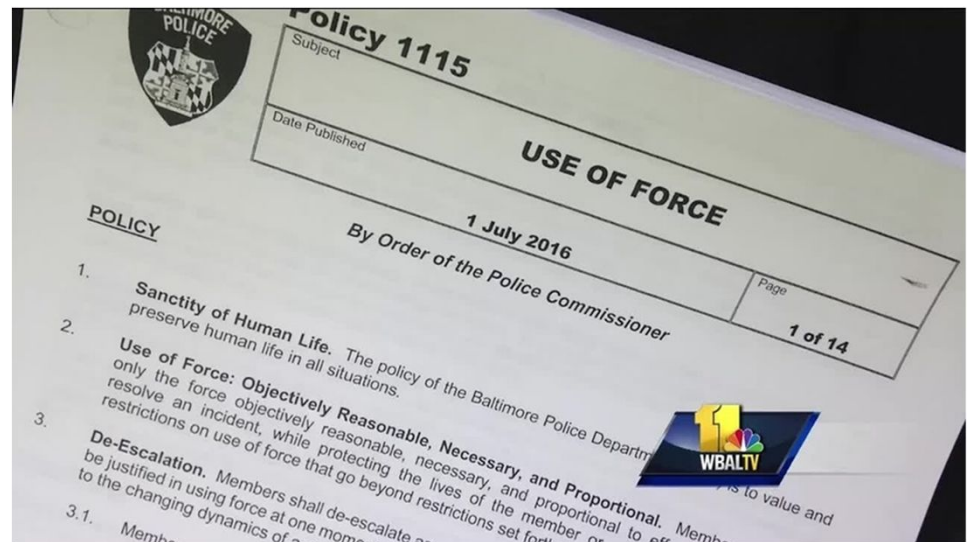
Organizational Review

- Policy
- Training
- Organizational culture and practice
- Documentation
- Civilian participation and oversight
- Community outreach and perception
- Manpower assessment



Policy

- Do you use a Lexipol policy or Departmental original?
- When was the last time you reviewed and revised the policy?
- Does your policy contain...
 - A Sanctity of Life Statement?



Policy Cont'd

- De-escalation principles?
- Duty to intervene?
- Verbal warnings?
- Warning shots? (IACP Consensus Policy allows them!)
- Pointing a weapon? (Is this a use of force?)
- Carotid Control Techniques (Choke Hold, Lateral Vascular Neck Restraint LVNR, Carotid)
- Shooting from/at moving vehicles?
- Taser policies?
- Authorized weapons (batons, pepper spray, other less-lethal devices)
- Handgun and Rifle Policy? Rifle policy should include deployment criteria.



Training

- Complete a departmental training inventory. What training are the officers receiving? How much?
- Are officers trained regarding the written policy?
- What is the training format?
 - Classroom or reality-based?
- How are the officers evaluated?
 - Proficiency skills test
 - Written assessment (quiz)



Training

- Firearms Training
 - Accuracy and decision-making?
 - Simulators (VirTra, FATS)
 - Weapon selection/deployment
 - Budgetary restrictions?



Organizational Culture and Practice

- Does the practice in the field match your policies and training?
- Who decides the organizational culture? (Citizens or Officers?)
- Researchers must do field work to determine actual practice.
- How can you assess culture? Evidence-based conclusions!



Documentation

- How well does your department document events?
 - Departmental Reports/Supplements
 - Use of force incidents
 - Case Management
 - Early Warning System
 - Internal Investigations
 - Video and Audio recordings
 - Training Records and Assessments
 - Personnel information (individual officers)

USE OF FORCE REPORT
Oakland Police Department
17-067 (Rev. May 15)

For reporting a Level 4 force incident, use a Level 4 Use of Force Report (UFR-402).

FORCE LEVELS
Investigations shall be conducted at the highest force level used. Indicate the highest force level used.

Force Level: Level 1 Force Level 2 Force Level 3 Force

Check One: Level 1 Force Level 2 Force Level 3 Force

Incident Number: _____ RI Number: _____ Use of Force Control No.: _____ IAD Case No.: _____

Part 1 - (List additional Subjects on a Use of Force Continuation Report)

Subject Date	City	Time	Location	CP Seat
#1 Subject's Name	Sex	Race	DOB	
Address	<input type="checkbox"/> Oakland	City/Zip	Contact Number	
#2 Subject's Name	Sex	Race	DOB	
Address	<input type="checkbox"/> Oakland	City/Zip	Contact Number	
#3 Subject's Name	Sex	Race	DOB	
Address	<input type="checkbox"/> Oakland	City/Zip	Contact Number	

Part 2 - List all involved members/employees. Indicate the subject(s), and all the Force Type(s) used by numeric identifier (Chart on back page). (List additional Members/Employees on a Use of Force Continuation Report)

Member/Employee	Serial No.	Force Type #	Subject #	Regularity Assigned	Regularity Assigned
				Supervisor	Officer/Employee
#1					
#2					
#3					
#4					

Part 3 - List all witnesses to the use of force. (If more space is needed or to list additional witnesses on a Use of Force Continuation Report) List members and employees before private person witnesses. If there are no known private person witnesses, specify "NO KNOWN PRIVATE WITNESSES" in the #1 Witness Name box.

Witness Information (Include Rank & Serial No., or Agency Affiliation if appropriate)				
#1 Witness Name	Sex	Race	DOB	
Address OR Agency Affiliation	<input type="checkbox"/> Oakland	City/Zip	Contact Number	
#2 Witness Name	Sex	Race	DOB	
Address OR Agency Affiliation	<input type="checkbox"/> Oakland	City/Zip	Contact Number	
#3 Witness Name	Sex	Race	DOB	
Address OR Agency Affiliation	<input type="checkbox"/> Oakland	City/Zip	Contact Number	
#4 Witness Name	Sex	Race	DOB	
Address OR Agency Affiliation	<input type="checkbox"/> Oakland	City/Zip	Contact Number	

Part 4

UFR Report Prepared By	Serial No.	Date of Report	Supervisor Initials	Serial No.	Date / Time Initials

Civilian Participation and Oversight

- Do civilians participate in the review process (Individual and Organizational)? What model does your agency use?
- How much does your department disclose? (Website reports, public records, media access, etc.)
- Outreach efforts by the department?
- Citizen's Police Academy? Coffee with a Cop?

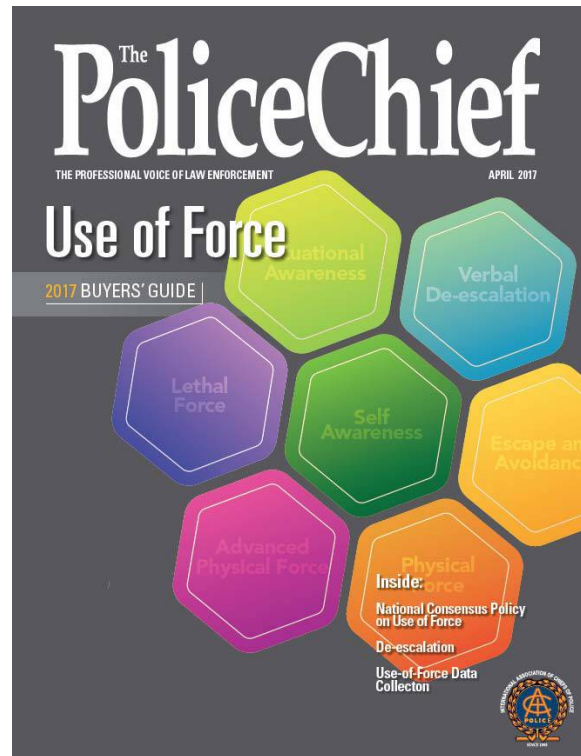
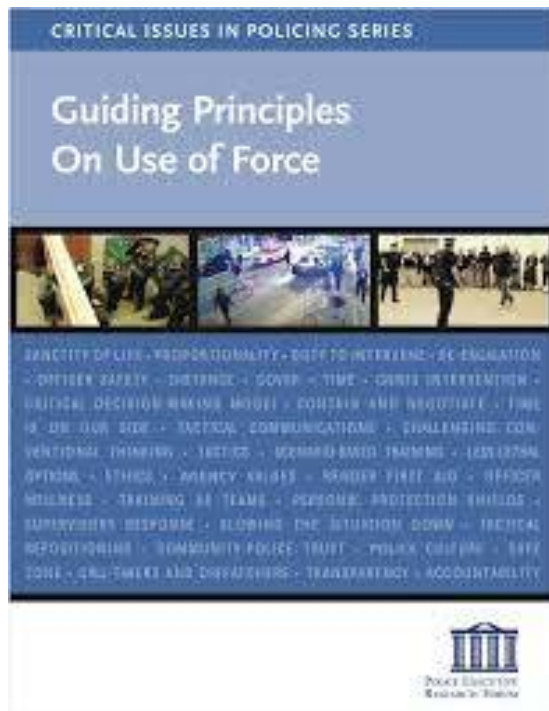


Closing Thoughts

- Individual vs. Organizational Unit of Analysis
- Policy = Training = Practice
- Documentation cannot be understated.
- Always promote innovation and improvement.
- Use evidence-based information to draw conclusions.
- Stay current on national practices, not just what your department is doing.
- National Use-of-Force Data Collection looks promising!



Resources



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